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WHY SHOULD WE CHANGE OUR FORM OF GOVERNMENT?

STUDIES IN PRACTICAL POLITICS

BY THE SAME AUTHOR

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WHY SHOULD WE CHANGE OUR FORM OF GOVERNMENT?

STUDIES IN PRACTICAL POLITICS

BY

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MEMBER OF THE AMERICAN ACADEMY OF ARTS AND LETTERS

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TO THE MEMORY OF

MY FATHER AND MOTHER

GENTLEFOLK OF THE OLD SCHOOL

WHO TAUGHT THEIR SONS TO CARE FOR PUBLIC

AFFAIRS AND TO FOLLOW

HIGH STANDARDS IN DOING SO

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PREFACE

WHY is it that in the United States the words politics and politician have associations that are chiefly of evil omen? Why is it that in the United States the phrase, to play politics, means to cajole the mob or to descend to practices of doubtful honor? In the true and broad sense of the word, politics is one of man's highest concerns, and nowhere should the word have loftier and nobler associations than in a twentieth century democracy. The fact that this is not the case indicates the measure of our failure, as yet, to place our public life and our governmental administration upon the plane where they ought to be.

There is a singular and discouraging discrepancy between the political expositions and discussions of a century ago and those of today. In the *Federalist* and in Calhoun's *Disquisition on Government*, we have perhaps the two most profound and original contributions to

political science that have been made since Aristotle. Even when the controversy over slavery was at its height and men's passions were fiercely roused, there was a distinction in the public debates and discussions, both in the Senate and on the platform, that is now sadly lacking. The people of the whole country hung with breathless interest upon the great debate between Lincoln and Douglas, and its published record remains to-day, after the controversy which caused it has been closed forever, a political classic of first-rate importance. We have no such debates on the pending proposals to overturn our form of government and on the principles of that political philosophy which calls itself socialism. Surely these questions are of vital interest and of fundamental importance. The reason may be that we are just now without either a Lincoln or a Douglas, but the question remains—why do not the conditions under which we are now living produce political leaders and guides of philosophic mind, of broad scholarship, and of unselfish patriotism? Why are we condemned to the mediocre and the second-rate, and to waste our time in reading the outgivings of those whose only

claim to eminence is the magnitude of their thirst for office? It would be well for the American people to find answers to questions like these.

One may be forgiven for suspecting the fact to be that our politics has become sadly commercialized. There is no real support for a policy of governmental frugality and economy, because a large proportion of the population is trying to get the government to spend some part of its money taken in taxes upon them, upon their own localities, or upon their special interests. When enough of these local, particular, and special interests combine their forces, they easily outweigh the influence of those who would act for the public interest alone. It is this fact, more than anything else, that has given strength and support to the movement, now wide-spread in the United States, in favor of socialism or of what may perhaps be called semi-socialism. Everywhere individuals and communities are leaning upon government, and the sense of manly independence is being supplanted by a desire to be taken care of. Many of the philanthropic schemes so eagerly urged upon the governments of the nation and of the

states are unsound both in logic and in ethics, but they are urged with all the force and enthusiasm which unreflecting sentimentality brings to the advocacy of any cause in which it is for the moment interested.

The distinction between the realm of government and the realm of individual liberty lies at the basis of free institutions that are to last. If the realm of government be so extended as to wipe out entirely the realm of individual liberty, the result can only be stagnation, paralysis, and death. If the realm of individual liberty be so extended as to reduce to nothing the realm of government, the result can only be disorder, anarchy, and the eventual rule of brute force. The history of civilization indicates with convincing clearness that men should be jealous of every extension of the realm of government into the realm of individual liberty. The preservation of the civil liberty of the individual is the corner-stone upon which our American constitutional system has been built. Under the guise of extending the scope of the police power, enthusiasts, humanitarians, and fanatics of every type are constantly invading the realm of individual

liberty and are urging yet other invasions of it. The curious notion seems wide-spread that there exists somewhere and somehow an all-wise and beneficent State or People—something different and apart from individual human beings and not subject to their limitations and defects—which all-wise and beneficent State or People will take care of us better than we can care for ourselves, if only we will give it the opportunity. That this is crude nonsense, contradicted by history and flaunted by common sense, does not prevent its present popularity. Until we turn our back upon this delusion and others like it, and plant ourselves firmly upon the principle that human progress can only be gained and maintained by each individual raising his own standard of intelligence and of conduct, we shall be floundering helplessly in a morass and doing countless damage to the cause of representative government and to individual liberty.

Unfortunately, there is in the air just now a notion that all past history and past experience go for nothing, that no principles are really fixed and established, that everything is in a state of transition and change, and that no policy is a

wise policy except that of a hand-to-mouth opportunism. In other words, it is supposed that the tree of individual and social life can grow by constantly putting forth new leaves but without having any roots. The only result of this doctrine can be to substitute appetite for reason in guiding public affairs. Heraclitus would doubtless be complimented at this adumbration of his view of the universe, but at the same time he would be both amused and amazed at its failure to realize what change means and involves.

These addresses, delivered on different occasions during the past few years, deal with subjects of present interest, but in a spirit and from a standpoint utterly antagonistic to those which have just been described. They are based upon a profound conviction that human history and human experience have taught and are teaching lessons of permanent significance and value; that human society is not and can never be anything more than the sum total of the individuals who compose it, and that it has and can have no excellences of its own which are not their excellences; that the civil liberty of the individual is at all hazards to be protected by

fundamental law against the attacks and invasions of temporary majorities, whatever may be the speciousness or the power of the cause which they advocate; that the representative republic erected on the American Continent under the Constitution of the United States is a more advanced, a more just, and a wiser form of government than the socialistic and direct democracy which it is now proposed to substitute for it; that the independent judiciary, throwing the protection of fundamental law about the humblest individual and holding both legislatures and administrative officers to the strict observance of their constitutional limitations, is the chief glory of our American system of government and its most original contribution to political science; that the true path of progress is to be found in meeting human needs, relieving human suffering, bettering human conditions, and enlarging human opportunity under the protection of our representative institutions and through their agency; and that social, political, and individual advance are more certain and more beneficent if so undertaken than in any other way yet devised by man.

To my long-time friend and colleague, Professor Brander Matthews, I am placed under new obligations through his kindness in consenting to read the proofs of this book.

Columbia University,
February 8, 1912.

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I

WHY SHOULD WE CHANGE OUR FORM OF GOVERNMENT?

An address before the Commercial Club of
St. Louis, Missouri, November 27, 1911

WHY SHOULD WE CHANGE OUR FORM OF GOVERNMENT?

I have selected this subject because it is my strong belief that the question which I venture to put is one which every intelligent American ought to be asking himself at this time: Why should we change our form of government?

We have been reminded of late that it is a full half century since the beginning of that outbreak which threatened the existence of our nation as it had been built by the fathers. As we look back now, at least those of us who are too young to have participated in that mighty struggle, who are too young to have known of it save by hearsay, we can see and understand that the American Civil War was an attack made upon the government of the United States by strong and determined men animated by what they seriously believed to be sound principle and deep conviction. They made their appeal to the supreme tribunal of physical force, and they lost their cause. Today every

American is glad that that cause, however splendid, was lost, and that the government founded by the fathers was perpetuated, let us hope for all time.

But now in the short interval of a generation since that great struggle closed, there is under way a persistent, determined, and highly intelligent attempt to change our form of government. This attempt is making while we are speaking about it. It presents itself in many persuasive and seductive forms. It uses attractive formulas to which men like to give adhesion; but if it is successful, it will bring to an end the form of government that was founded when our Constitution was made and that we and our fathers and our grandfathers have known and gloried in.

To put the matter bluntly, there is under way in the United States at the present time a definite and determined movement to change our representative republic into a socialistic democracy. That attempt, carried on by men of conviction, men of sincerity, men of honest purpose, men of patriotism, as they conceive patriotism, is the most impressive political factor in our public life of today. In my judg-

ment it transcends all possible differences between the historic parties; it takes precedence of all problems of a business, a financial, or an economic character, however pressing: for it strikes at the very root of the government of the United States and at the principles upon which that government rests. It strikes at the very root of the institutions that we call Anglo-Saxon, and it proclaims a failure that great movement for the establishment of liberty under law, controlled and carried on through the institutions of representative government, a movement which had its origin more than two thousand years ago in the forests of Germany, and which has persisted with constantly growing force and power throughout the history of the English-speaking peoples down to our own day. We are now told that representative government has failed. We are now told that the people are either incompetent or unable to choose representatives who will really serve their highest interests, and who will be beyond the reach of the temptation offered by money, or by power, or by place. The remedy is said to be to appeal over the heads of the people's chosen representatives to the people themselves.

Look for a moment at this proposal and try to understand what it means. When Madison made his contributions to the *Federalist*, he wrote in one place: "In a democracy the people meet and exercise the government in person; in a Republic they assemble and administer it by their representatives and agents." A little later on he wrote: "A Republic is a government which derives all its powers directly or indirectly from the great body of the people, and is administered by persons holding their offices during pleasure, for a limited period, or during good behavior." It is clear, therefore, even if these passages from Madison were the only evidence, that the founders of our government knew and had studied the difference between a representative republic and a direct democracy.

I suppose that never in the history of the world, before or since, has there been displayed so much insight into the principles of government, so much knowledge of the theory and practical workings of the different forms of government, as that which accompanied the formulation and adoption of the Constitution of the United States. Truly, there were giants in

those days; and whether we take one view of the meaning of that great document or another makes no difference. The making of the American Constitution was a stupendous achievement of men who through reading, through reflection, through insight, and through practical experience, had fully grasped the significance of the huge task to which they devoted themselves, and who accomplished that task in a way that has excited the admiration of the civilized world. Those men built a representative republic; they knew the history of other forms of government; they knew what had happened in Greece, in Rome, in Venice, and in Florence; they knew what had happened in the making of the modern nations that occupied the continent of Europe. Knowing all this, they deliberately, after the most elaborate debate and discussion both of principles and details, produced the result with which we are so familiar.

Let us not suppose, however, even for a moment that that great enterprise had no genesis, no history.

When half-civilized man began to take account of his public concerns, he was controlled by a single leader, military in character and in

method. That leader was at once executive, law-maker and judge. You may read today, if you will, in some of the great museums of the world, the laws of ancient oriental peoples carved on stone, and bearing the name of the monarch who enacted them by his mere edict. You may, if you choose, review the entire history of the early European forms of government, and take note how the emphasis is laid now upon one element of public life, now upon another. At one moment it was the legislature which was exalted, at another it was the executive, at still another it was the military leader. You may see, if you will, the building up of a great world-empire under the leadership of Rome; you may watch the breakdown of that empire, due to forces working in part from within and in part from without; you may see one form after another of absolutism grasping the reins of government over intelligent peoples, longing for a chance to develop trade and commerce; and if you can visualize the map of Europe while all this is going on, you will see on it two bright particular shining spots. The one spot is little Holland, and the other is England. Those two

bright spots mark the places where the principles of representative government, based upon the intelligent action of a free people, were at work, and they are the two sources from which our modern world has learned all its great lessons of civil and religious liberty. It was Holland which provided a resting place for the strong men who were soon to find their way across the Atlantic to the shores of Massachusetts Bay. It was England which had developed parliamentary, representative institutions to the greatest perfection. From England we learned these lessons, and they have grown long and deeply into the life and thought of the American people. In our great federal republic these lessons have been applied, and the principle of representative institutions has been worked out, on a scale and with a magnitude that are without parallel in the history of political action.

The governmental changes which are now proposed to the American people are not brought forward as philosophic propositions to be examined and passed upon in principle; they are not brought forward as a complete and conscious program to be debated and discussed,

to be compared with the results of the experience and the activities of the past one hundred and twenty-five years. These changes are presented to us as specific proposals to be passed upon now here, now there, in the light not of principle but of temporary expediency. In the name of reform or of progress we are asked to give our assent now to this specific proposal, now to that. But, these specific proposals, when taken altogether, when regarded collectively, constitute an invitation to surrender our representative republic and to build upon the place where it once stood the structure of a socialistic democracy.

It may be, perhaps, that a social democracy is a better form of government than the representative republic which we now have. It may be, perhaps, that under the institutions of a socialistic democracy mankind would be happier, opportunity more free, property more equally distributed, and the satisfaction of man's wants more easily accomplished than now. All these things may be; but if a socialistic democracy is to be substituted for a representative republic, do not overlook the fact that it can be so substituted only by revolution. There

must first be a revolution in our fundamental political beliefs; there must first be a revolution in our accustomed forms of political action; there must first be a revolution in our point of view, in our ambitions, and in our aspirations.

What are the charges that these revolutionists bring against the representative republic? We are told in the first place that the representative republic fails really and readily to reflect public opinion; that these representative institutions easily become the prey of the self-seeker, of the special interest, of the wire-puller, of the schemer, of the man who would use the public for his own personal advancement or enrichment; and that, therefore, they must be uprooted, overturned and destroyed. We are told, in other words, that after not only one hundred and twenty-five years of our own experience, but after five hundred years of the experience of the Anglo-Saxon peoples, these representative institutions have failed, and that in the name of progress we must pass on to a direct democracy. We are told that we should begin by so shackling representative institutions that they must respond at once, mechanically and with precision, to the expressed wish

or the expressed emotions of a majority of the voting population at any given instant, regardless of the fundamental constitutional guarantees of civil and political liberty. We are told that if we do this we shall restore government to a purely democratic form, that we shall make it responsive to the public will and to public opinion, and that every legitimate public and private interest will thereby be promoted. Surely this is an ambitious and a tempting program.

Before we give our assent to it, however, let us examine for a moment the point of view and the contentions of those who are the mouthpieces of this revolutionary movement. We are justified in asking in the first place whether the attempt to substitute a direct democracy for a representative republic is progressive or reactionary. It is the history of all evolutionary processes that for particular purposes special organs are developed; for particular activities special instrumentalities are produced; and in developing any truly forward movement we proceed from the simple to the complex. In organic evolution the process is one away from the gelatinous and formless mass of the

lower organisms to the exceedingly complex structure of the higher mammals. Obviously, then, it is an earlier stage of evolution when one organism or instrumentality performs all functions, when one organism or instrumentality carries on government in all its forms, as well as those economic activities which result in providing clothing, shelter and food. As we develop, however, and as we progress, we differentiate; we throw out feelers, as it were; we evolve special organisms and instrumentalities, social as well as individual; and these divide among themselves the economic, industrial and the governmental functions of the social unit. In this way we get a division of labor; in this way we get a specialization of function. A really progressive movement, therefore, is a movement toward differentiation, toward complexity, toward specialization of structure and function. The movement towards the perfecting of representative government is progressive; a movement away from representative government, a movement that would shackle and limit it, and that would appeal from representative institutions to direct democracy, is reactionary.

It may be said of the amoeba that it walks on its stomach and digests with its legs, because it digests with what it walks with, and it walks with what it digests with. As yet there has been no differentiation of structure or of function. But the amoeba with its very simple structure is certainly not in advance of the mammal with its highly organized structure, its differentiation of function, and its many complicated activities. The movement to substitute direct democracy for representative government is a movement back from the age of the mammal to the age of the amoeba. Such a movement may have merits of its own, but they cannot be the merits which we attach to genuine progress. It would be just as appropriate to organize a movement, in the name of a progressive democracy, to cut our own clothes and to make our own shoes, when tailors and shoemakers are unsatisfactory, as to assume for the people as a whole the political duties which belong to representative bodies of officials, because these do not in every case do just what we should like. To take a backward step from specialization of structure and of function, must not be de-

fended as progressive; it is as reactionary as anything in the whole field of social evolution can possibly be. It is to return from the age of the mammal to the age of the amoeba. Of course it is conceivable that such a movement backward is desirable, but, if so, let us at least call it by its right name.

We began in this country to break down the safeguards and to weaken the fundamental principles of representative institutions some years ago, and in two different ways. We began to break them down when in many of our state constitutions, indeed in nearly all of them, we departed from the sound principles of constitution-making, and filled these important documents full of what really should have been statutory legislation.

The strength and vitality of the Constitution of the United States are found in the fact that it expresses in a few words general principles which are susceptible of interpretation and of adaptation to different needs and conditions. It is for this reason, and for this reason alone, that the Constitution has been maintained and sustained, substantially without change so far as governmental structure is concerned, for a

century and a quarter of most unexpected and unimagined developments. A written constitution is a device to protect man's sober and mature political judgment from his fleeting political passions and prejudices. The moment that you write into fundamental law a definite and precise statement of momentary political feeling in regard to some matter of governmental detail, that moment you have broken down the distinction which should exist between a constitution and a statute. A constitution should contain only those guarantees of civil and political liberty which underlie our whole organized society; and it should also make carefully drawn grants of power to legislative, executive and judicial officers, together with those major political determinations that persist, and are persisted in, through changes of party and of political creed. Of course, no constitution is permanent and unamendable, for even fundamental principles take on new aspects with changes of circumstance. Nevertheless, if our American government is to endure, we must acknowledge and maintain the broad distinction which exists between the making of a constitution and the enactment of a statute.

In many of our states, particularly in those which have been organized in recent years, the so-called constitutions are an odd and curious medley of genuine constitutional principles and a host of statutes. It is not proper to include in a state constitution provision for the specific location of a state university; it is not proper to include in a state constitution the amount of compensation to be paid annually to the state auditor; it is not proper to include in a state constitution any one of the hundreds of merely incidental details of government that it is now fashionable to put upon the same plane with vitally important expressions of fundamental political principle.

The results of this confusion between a constitution and a statute are most unhappy. If, for example, it is desired to change the location of a state university, or to increase the salary of the state auditor, the constitution must be amended. If it can be so easily amended in one particular, why not in all others? At that moment the fundamental political guarantees have lost their sacredness and are reduced to the same plane of mere expediency as the location of the state

university, and the amount of the auditor's salary.

We departed and we departed widely and far in this country from the sound principles of constitution making when, at first under the influence of the movement of 1848 in Europe, and later under the influence of the various compromises and personal ambitions which entered into the making of some of the newer states, we began to turn the fundamental law of our various commonwealths into a huge collection of statutory details. In so doing we have confused the public understanding of what a constitution really is, and we have opened the door to every form of experimentation with our fundamental principles on the same basis as perfectly proper experimentation with the merest details of our whole legislative and political activity.

Then in the second place, we began the destruction of the fundamental principles of representative government in this country when, under the lash of party, we reduced the representative to the position of a mere delegate; when we began, as is now quite commonly the case, to instruct a representative

as to what he is to do when elected; when we began to pledge him in advance of his election that, if chosen, he will do certain things and oppose others. In other words, when we reduced the representative from the high, splendid, and dignified status of a real representative chosen by his constituency to give it his experience, his brains, his conscience and his best service, and made him a mere registering machine for the opinion of the moment, whatever it might happen to be.

On this point there is a classic expression which every student of government knows and knows well. It is to be found in the speech made by Edmund Burke to the electors of Bristol, in which he expresses in words that are never to be forgotten the real duty of a representative to those who have chosen him. Let me read what Burke said: "It ought to be the happiness and glory of a representative to live in the strictest union, the closest correspondence, and the most unreserved communication with his constituents. Their wishes ought to have great weight with him; their opinions high respect; their business unremitted attention. . . . . But his un-

biased opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you, to any man, or to any set of men living. . . . . Your representative owes you not his industry only, but his judgment; and he betrays instead of serving you, if he sacrifices it to your opinion. . . . . You choose a member indeed, but when you have chosen him, he is not a member of Bristol, but he is a member of Parliament." We may say, substantially in Burke's phrase, that when we choose a member of the House of Representatives, he is not a member of the first district of New York, or of Pennsylvania, or of Ohio, or of Missouri, but he is a member of the Congress of the United States.

But we are told that this form of democracy is not satisfactory; it is not possible with these processes and on these principles to accomplish things that some people want to have accomplished. We find, it is said, that our representatives are getting out of our control; they do not do what we tell them. Of course, they come back after two years or four years and submit themselves to their constituents for judgment, but think of the mischief they can do

in these two years or these four years which cannot be undone speedily, if at all! Therefore, we are told we must change our form of government and put the entire voting population in direct control of every governmental process.

It is not necessary for those who believe in a representative republic to say that it has no shortcomings. It is not necessary for us to take the position that everything goes on in a way which is beyond criticism. We need not do that. We must look the facts in the face. We should admit the limitations of ourselves and of other human beings; we know the deficiencies and defects that constantly present themselves in our governmental administration, whether national, state, or municipal. But suppose we ask ourselves this question: Need we destroy fundamental principles in order to correct temporary infelicities? Need we pull up our institutions by the roots because they do not grow quite fast enough to please us? These are the questions which the American people must answer, and which many of them are today ready to answer by saying: "Let us destroy our fundamental principles;

let us pull up our institutions by the roots, in order to see why they do not grow faster."

The proposition to substitute a direct democracy for a representative republic has some features that are serious, and some that are amusing. We are told, for instance, to look at the Town Meeting, and see what a splendid institution the Town Meeting has been in New England. Imagine a Town Meeting in Chicago! Imagine bringing together on the third Tuesday in March in one corner of the prairies of Illinois the entire voting population of Chicago in order to submit to them the questions which are submitted to the Town Meetings of the sparsely settled hill towns of New England. Is it not ridiculous? Of course. Why is it ridiculous? Because it is an endeavor to apply a principle sound in itself under circumstances where it cannot possibly work. It is an attempt to arrive by a purely logical process at a political rule of action without taking into account the facts and considerations of a particular case. The moment you ask yourself why it is ridiculous to attempt to govern Chicago by a Town Meeting and find that it is, that moment you ought

to be ready to understand why representative institutions grew up among English speaking peoples and why they have continued to exist to the present day. But the objector says, "I grant that we cannot have a Town Meeting in the case of Chicago; that must be given up as impracticable; but there is something else that we can do. We can retain our representative institutions, but so limit them and so shackle their operations that we retain for ourselves the right to initiate legislation and the right to veto any legislation that our representatives may see fit to pass."

Examine for a moment these suggestions in order to see what they really mean and to what they necessarily lead. In the first place, please do not overlook the exceedingly important fact that all those who are uniting to urge upon us this transformation of our form of government invariably propose to put these instrumentalities of a direct democracy into operation upon the initiative of a very small fraction of the electorate. What a glorious time it would be for the perpetual disturbers of political peace! It is proposed, for instance, that five per cent or eight per cent of the elect-

orate shall be sufficient to initiate legislation and to demand a poll of the people thereon. Legislation so initiated cannot be amended or perfected in form. It cannot be examined in committee, its sponsors cannot be cross-questioned; it must be taken or left precisely as they project it into the political arena. Is there any community in the world where five per cent of the adult males cannot be gotten to sign a petition for anything? Is there any community in the world where if five per cent of the adult males had petitioned for something that had been denied, they could not be gotten to petition for it again without delay? Would not life under this system become one long series of elections? Should we not be pursuing each other to the polls once a week to pass upon some new legislative proposal, and not always one presented by the wisest and most thoughtful of our citizens? What would be the effect of all this on public sanity and order and on the members of our legislative bodies, national and state? Are the best men in your community going to accept nomination and election to a legislative body any one of whose acts, however carefully formu-

lated, may be brought up for review and possibly overturned on the initiative of five per cent of the voting population? We complain that we do not always get the men we would most like to see in the state and national legislatures. Should we get a better class of representatives, or worse, if we took away their sense of responsibility, took away their dignity and authority, and set ourselves up on every side to duplicate or possibly to overturn their every act? There is only one possible answer to that question. We should degrade our legislative bodies and reduce them to intellectual, moral and political impotence.

Of all the proposals that have been brought forward in the name of direct democracy, the initiative is the most preposterous and the most vicious. It is far more objectionable than the referendum, which is ordinarily bracketed with it, because it is intended to project a legislative proposal upon the community at the instigation of a very small number of persons, which proposal must then be passed upon without amendment; without any opportunity to perfect it, even in phraseology; without any chance to receive and act upon suggestions for

its extension, its narrowing, or its betterment; and without opportunity for any one of the processes of discussion and revision which are offered today under the operation of the rules of procedure which control legislative bodies and their committees. Under the action of the initiative, a community is called upon to say yes or no to a proposal framed by five per cent of anybody. I submit that this is very like having to answer the question "Have you left off beating your grandmother?" If you answer "yes," you embarrass yourself; if you answer "no," you embarrass yourself still more.

All that can possibly be accomplished by the initiative is to strike the heaviest possible blow at representative institutions, and to remove the last inducement to bring able, reflective and intelligent men to accept service in a legislative body. The initiative will result in registering in more or less rapid succession the consecutive emotions of a small proportion of the electorate; because if you will examine the records where the initiative has been introduced, you will see that whatever action has been taken has been so taken by the vote of a small minority of the voting

population. Consideration by chosen representatives disappears, the perfecting of a measure through committee consideration and public debate is made impossible; some preconceived scheme for which there is a sentiment among a small portion of the community must be accepted or rejected in toto.

This is not a policy which makes for stable and consistent government. This is not a progressive policy. This is not a policy which will develop and strengthen the institutions that we have inherited and that we are seeking to apply to new conditions. This is not a policy which will bring support to the fundamental guarantees of civil and political liberty upon which our national government rests.

But it may be urged, surely those fundamental guarantees are not questioned or doubted! I beg to assure you that every single one of them is questioned and doubted in this country, and questioned and doubted by no inconsiderable body of opinion, some of it not lacking in intelligence, very energetically represented in different parts of the United States. We may close our eyes to all this if we like. We may with our consummate American hopefulness and optimism say that it will turn out

all right. Perhaps it will; but the fact remains that there are many of us who believe that the fundamental guarantees which underlie our whole national government and our national life cannot be attacked, cannot be denied, cannot be made light of, without serious danger to our entire political fabric.

Should not the majority rule? If the majority wish to sweep away all the fundamental guarantees, should they not be permitted to do so? Is that not one of the risks that democratic government must run? Those who believe that we learn nothing in this world from human experience, may, if they choose, answer those questions in the affirmative. Those who believe that nothing in this world is fixed, or definite, or a matter of principle, may answer those questions in the affirmative; but those who believe that we do move forward through the centuries by building upon and using the experience of those who have gone before; those who believe that out of the thousand or two thousand years of political life and activity of the western world there have come some principles which are certain and which abide, and some political guarantees that are vital to human welfare, will answer those

questions, No, a thousand times, No! Those who believe that we must build our institutions upon foundations that are not subject to continual revision and reconstruction will answer, No, a thousand times No! We point to the fundamental guarantees of the British and American Constitutions, and say that those are beyond the legitimate reach of any majority, because they are established in the fundamental laws of human nature upon which all government and civilization and progress rest. Sweep them away, if you will; a majority may have that power, but with the power does not go the right. If they are swept away, all government and all liberty go with them; and anarchy, in which might alone makes right and power alone gives place, will rise upon their ruins.

There is nothing new about all this. Aristotle pointed out that democracy has many points of resemblance with tyranny. It was he who first told us how a democracy as well as a tyranny may become a despotism. It was he who first pointed out to us the likeness that there is between the demagogue in a democracy and the court favorite in a tyranny. If democracy is not to become a tyranny, it

must recognize and build upon those constitutional limitations and guarantees that are so precious to the individual citizen and that protect him in his life, his liberty and his property. It is not in the power of any majority to sweep these away without sweeping away with them the whole fabric of the state in violent and destructive revolution. The other day in turning over the pages of John C. Calhoun, I came upon a most extraordinary passage which bears upon this very point. Almost a century ago Calhoun showed clearly that the government of the uncontrolled numerical majority is but the absolute and despotic form of popular government, just as the uncontrolled will of one man is monarchy. Control there must always be, if there is to be liberty. That control is law, built in turn upon those limitations and guarantees which are our constitution. It is just as easy for a majority to become a despot as for a monarch to become a tyrant. Even a tyrant may be benevolent; even a democratic despotism may be malevolent.

We are now invited to treat these constitutional limitations and guarantees just as we treat mere statutory legislation. They are to

be revised, to be amended, to be overturned, in order that the sacred will of a temporary majority may be everywhere and always enacted into constitutional law. To walk in these paths means the supression of the individual as the unit in the scheme of liberty. It means the extinction of liberty as we have known it. It means what I call a socialistic democracy, because it means that the majority will take direct and responsible control of your life, your liberty and your property. All that constitutes individuality will have gone by the board; it will have been poured into the great boiling pot of the social whole, there to be reduced to a single incoherent mass to be exploited as the will of this or that majority may from moment to moment determine and advise. This may be progress, but it is certainly revolution.

There is another device urged upon us in the name of progress, known as the referendum. This differs widely from the initiative, and has no possible relationship to it. It is in effect a popular veto on the acts of the legislature. Our American institutions provide almost without exception for an executive veto.

The executive veto exists for the purpose not necessarily of permanently defeating legislation, but to compel its reconsideration, its public discussion, and its re-study by the people themselves, by the press, and by the people's representatives. It is a wise and appropriate institution. Experience has shown that while it is not often used, it may serve, and does serve, as a check upon hasty and ill-considered legislative action.

The referendum, however, is quite different from the executive veto; and, in the form in which it is now urged, it is like the initiative in that it tends to destroy the responsibility of the legislator and to make the legislature itself a very subordinate and timid body. If any community or state insists upon subjecting the ordinary work of its legislature to a general referendum, it insists at the same time that it shall be served in its legislature by second-rate and third-rate men, and that its representatives shall be turned into delegates. Edmund Burke would find no place in such a scheme of politics as that. Once more I say, to introduce the referendum as a check upon the legislature may be progress, but I insist that if it is

progress it is also revolution. It is revolution because it strips away more and more elements of strength, independence and power from the legislature. The legislature exists in order that different views may be studied and compared, in order that acts may be considered and perfected by hearing all parties and all interests, in order that amendment and discussion may be possible. All this is stripped away if there is behind each legislator's chair a controlling force which says "If you do so and so, we shall upset it by a general vote; as we, your creators, have a right to do."

Lord Acton in one of his essays, I think it is the one on the history of liberty, pointed out some years ago that the referendum, whatever may be said in its favor theoretically, is obnoxious to all believers in representative institutions, because it contemplates decision without discussion. To be sure, there is discussion in one sense, but there is no discussion which could in any way operate to perfect a pending proposal; there is no discussion possible that can lead to the amendment or improvement of a proposal. The only discussion that can possibly take place is that which

will confirm men in their attitude toward the proposition which is pending.

Of course, we are in this country accustomed to a certain limited use of the principle of referendum. State constitutions as a rule, and state amendments almost uniformly, are passed upon by the people as a whole. The same is true often in the case of large financial undertakings or bond issues. If the legislature itself takes and may take the initiative in submitting a question to a referendum vote, the damage is in so far limited. To force a referendum vote upon the legislature by constitutional provision would be, however, to inflict the maximum amount of damage upon the representative principle. As a matter of fact, no legislature should seek to shirk responsibility; that is the part of weak and timid men. More than half a century ago, the Court of Appeals of the State of New York in the well-known case of Barto *v.* Himrod laid down the true doctrine on this subject in no uncertain terms. The Court used this language: "The representatives of the people are the law-makers, and they are responsible to their constituents for their conduct in that capacity. By following

the directions of the constitution, each member has an opportunity of proposing amendments. The general policy of the law, as well as the fitness of its details, is open to discussion. The popular feeling is expressed through their representatives; and the latter are enlightened and influenced more or less by the discussions of the public press.

"A complicated system can only be perfected by a body composed of a limited number, with power to make amendments and to enjoy the benefit of free discussion and consultation. This can never be accomplished with reference to such a system when submitted to a vote of the people. They must take the system proposed or nothing. They can adopt no amendments, however obvious may be their necessity. . . . . All the safeguards which the constitution has provided are broken down, and the members of the Legislature are allowed to evade the responsibility which belongs to their office. . . . . If this mode of legislation is permitted and becomes general, it will soon bring to a close the whole system of representative government which has been so justly our pride. The Legislature will become an

irresponsible cabal, too timid to assume the responsibility of law-givers, and with just wisdom enough to devise subtle schemes of imposture, to mislead the people. All the checks against improvident legislation will be swept away; and the character of the constitution will be radically changed."

Do you fully realize with what levity we are now passing upon this important issue of the referendum in this country? Do you realize in what complexity important governmental proposals are being submitted to thousands and tens of thousands of voters, and with what light-hearted frivolity they are being passed upon? A few weeks ago, the great State of California, one of the most intelligent and wealthiest states in the Union, completely revolutionized its form of government by passing at one and the same election twenty-three amendments to its constitution by enormous majorities. It has, however, escaped attention, that the total vote cast for and against these revolutionary proposals was about sixty per cent of the vote cast for President in 1908, or of that cast for Governor in 1910. Apparently the number of people in California who

are interested in their form of government are only about six-tenths of the number that were interested in who should be President of the United States, or who should be Governor of the state. Of the twenty-three amendments that were presented to the people of California on one and the same ballot, some half-dozen were genuine constitutional amendments; the rest were almost without exception matters of legislation, some of them very unimportant.

I beg that every one who studies this question will get and examine the document that was sent by the Secretary of the State of California to every registered voter in the state.

It is obvious that the state officials who got up this amazing document did not expect it to be read by anybody. It is solidly printed in small type on both sides of one sheet, and there is the trifling little matter of a supplement with three or four amendments on a separate sheet. Here are printed the questions that were submitted not to the Court of Appeals of California, not to the professors of political science in the State University, not even to the legislature of the state, but to the voters! I submit that the whole proceeding is

ridiculous. In 1908, 386,000 voted for President in California; in 1910, 385,000 voted for Governor. The highest vote cast on October 10, 1911, for any of these amendments was cast in regard to the amendment relating to women's suffrage. The total vote on that amendment was 246,000; 140,000 fewer than were polled three years before for President, and 139,000 fewer than were polled two years before for Governor. Women's suffrage was carried in California by an affirmative vote of 125,000, or 2,000 less than Mr. Bryan received in 1908 when he lost the state by nearly 90,000 majority.

Is it not obvious, then, that we are changing our form of government in the United States by a minority vote? Here is an amendment which doubles the number of voters in the state by removing the limitation of sex; here is action which establishes the initiative, the referendum, the recall, including the recall of judges; and every one of them is an amendment to the constitution of a great, rich and populous state made by a small minority of the voting population. That, I submit, is a political factor and a political portent of far-

reaching significance. I know the answer. It is said that the remainder of the voting population might have voted had it wished to do so. True; but why then should not this great non-voting mass be counted in opposition to revolutionary changes in government rather than in favor of them, or ignored entirely? What principle of political science or of equity is it that puts the institutions of a whole state at the mercy, not even of a temporary majority, but of a permanent minority of the people?

This election in California wrote into the constitution of the state what is known as the recall, including the recall of members of the judiciary. The recall of executive and legislative officials is not a violation of the fundamental principles of representative government as are the initiative and referendum. It gives a place, however, to restless meddlesomeness, not to statesmanship. The recall will assist the initiative and the referendum in diminishing the consistency, the intelligence, and the disinterestedness of government, because it will help to keep high minded and independent men from accepting nomination and election to public office. It will help to develop a class

of timorous and unprincipled office-seekers and office-holders who will be able to change what they call their principles as quickly as they change their clothes, if a few votes are to be gained thereby.

The principle of the recall when applied to the judiciary, however, is much more than a piece of stupid folly. It is an outrage of the first magnitude! It is said: "Are not the judges the servants of the people? Do not the people choose them directly or indirectly, and should not the people be able to terminate their service at will?" To these questions I answer flatly, No! The judges stand in a wholly different relation to the people from executive and legislative officials. The judges are primarily the servants not of the people, but of the law. It is their duty to interpret the law as it is, and to hold the law-making bodies to their constitutional limitations, not to express their own personal opinions on matters of public policy. It is true that the people make the law, but they do not make it all at once. Our system of common law has come down to us from ancient days, slowly broadening from precedent to precedent. It is not

a dead or a fixed thing. It is capable of movement, of life, and of adaptation to changing conditions. But it must be changed and adapted by reasonable and legal means and methods and not by shouting or by tumult. It was no less a person than Daniel Webster who said "that our American mode of government does not draw any power from tumultuous assemblages." This is true whether the tumultuous assemblage shouts and cries aloud on a sand lot, or whether the tumultuous assemblage goes through the form of voting at the polls.

Moreover, we know something about what happens when judges are dependent upon the power that creates them. The history of England tells a plain story of the tyranny and injustice which grow out of a judiciary that is made representative not of the law, but of the crown. In the same way, if the recall of the judiciary should be established in this country it would not be long before our history would tell the story of the tyranny and injustice that usually follow upon a judiciary made immediately dependent upon a voting population. If great causes, civil and criminal, are to be de-

cided in accordance with established principles of law and equity and upon carefully tested evidence, they must be decided under the guidance of a fearless and independent judiciary. To make the actions or the words of a judge the subject matter of popular revision at the polls with a view to displacing a judicial officer because some act or word is not at the moment popular, is the most monstrous perversion of republican institutions and of the principles of true democracy that has yet been proposed anywhere or by anybody.

There need be no doubt or mistake about this, for the advocates of the recall of the judiciary mince no words. I find in the *Appeal to Reason*, edited by Eugene V. Debs, who is hardly the safest and the sanest adviser that the American people have had, these words in relation to the California election: "The fight at the polls this fall will center around the adoption of the initiative, referendum and recall amendments to the constitution. Under the provisions of the recall amendment the JUDGES OF THE SUPREME COURT OF CALIFORNIA CAN BE RETIRED. These are men who will decide the fate of the kidnapped workers!

Don't you see what it means, comrades, to have in the hands of an intelligent, militant working class the political power to recall the present capitalist judges and put on the bench our own men? Was there ever such an opportunity for effective work? No, not since Socialism first raised its crimson banner on the shores of Morgan's country! The election for Governor and state officers of California does not occur till 1914. But with the recall at our command we can put our own men in office, without waiting for a regular election!" It will be observed that the courts of California had before them a case about which Mr. Debs had seemingly made up his mind. He had not heard the evidence because the case has not yet come to trial, but it is perfectly obvious that he and his friends were ready to return a verdict. Moreover, they were ready to recall, that is, to displace, before the expiry of his term any judge who differs with them. Can anyone outside of Bedlam support a public policy such as this?

To make it possible to displace public officials before the expiry of the term for which they are chosen is to deprive them of indivi-

dual responsibility and dignity and to make them mere tools of passing opinion. It is not difficult to see what would have happened had the principle of the recall prevailed throughout American history. We Americans are singularly liable to communicable political diseases, and one wave of emotion after another sweeps over us with amazing celerity. George Washington would have been recalled at the time of the Genet episode; James Madison might have been recalled during the agitation which led to the War of 1812 with England; Abraham Lincoln would almost certainly have been recalled in the dark days of 1862 and 1863; Grover Cleveland would have been recalled by overwhelming vote in the summer of 1893 when he was making his fight for a sound financial policy and system. Yet, when we get far enough away from the public deeds of these strong men, we see that the particular things which at the time most excited the animosity and roused the passions of large numbers of people, were the very things that made them immortal in American history. It is not because they defied public opinion that they were great; it is because they understood real

public opinion better than did the untamed passion of the moment. They saw far more clearly than did the crowd what was really at stake, and it was their responsibility to reflect, to plan, and to act so that the honor and highest interests of the nation would be preserved. Today these men are with the highest on the list of our American heroes; yet every one of them might have been dashed from his high place if the passions of the moment could have gotten at them when those passions were at their height.

Neither is there anything new about all this. It is a French proverb which says "Everything changes but everything is always the same." In 1890 there was discovered the lost work by the philosopher Aristotle on the *Constitution of Athens*. The reading of that work tells us much more than we previously knew of the working of the Athenian Constitution. We can now see more clearly than ever before why it was that Athens with all its glory went to pieces. The Athenians not only appointed their generals by popular vote, but they voted every month or two as to whether they would recall them. They recalled Pericles; they re-

called Laches; they recalled Thucydides; they recalled Alcibiades. A general would be sent out to take a fort or to reduce a city. He did not succeed. As soon as the news reached home he was recalled. A general was sent out to land an army in Sicily. Before he reached there he was recalled. This sort of thing has all been tried. It was tried at Athens to the full, and the Athenian Democracy is now an interesting and instructive memory. Why must we Americans always be children? Why must we always seek to learn over again at our own cost the lessons of experience which the world's history is ready to teach us for the asking?

Why should we not be permitted to perfect our form of government instead of changing it? Why should we not move forward in genuine progress on the lines of the development of the last five hundred years? Why must we turn back and begin all over again to climb the painful hill of difficulty which leads to representative government and to liberty? It is to me a continual source of amazement that those who urge these revolutionary changes upon us do not seem to know anything of the recorded history of government and of human society.

They do not appear to know that the instruments which they offer us as new and bright and helpful have long since been discarded as old and rusty and outworn. Let them open their minds and study history before attempting to guide the political development of the American people.

I have no time now to do more than indicate where I believe the path of true political progress for our democracy leads. It leads, in my judgment, not to more frequent elections but to fewer elections; it leads not to more elective officers, but to fewer; it leads not to more direct popular interference with representative institutions, but to less; it leads to a political practice in which a few important officers are chosen for relatively long terms of service, given much power and responsibility, and then are held to strict accountability therefor; it leads not to more legislation, but to infinitely less; it leads to fixing public opinion on questions of vital principle, and not to dissipating it among a thousand matters of petty administrative detail; it leads to those acts and policies that will increase the desire and interest of public-spirited men to hold of-

fice, and not drive them away from it as with a scourge.

I wish that it might be possible for us to be lifted up to a distant planet and to look down on this earth of ours and to witness its history move forward as in a cinematograph, so that we might in a few moments view it from its beginnings to our own day. We should see the early civilized peoples with their institutions and their magnificent buildings, ruling the plains of Iran; we should see the fertile valley of the Nile settled and built up and the mysterious pyramids and sphinxes and temples rise like magic at the edge of the most arid of deserts; we should see the glory that was Greece, and the grandeur that was Rome; we should see the building up of the great empire of Charlemagne; we should watch it fall to pieces; we should observe the moving masses of people from the north and east going to the south and west, and also the dark stream of Arab migration flowing along the south shore of the Mediterranean and across the narrow straits into Spain; we should see the modern nations of Europe take their beginning; we should see the heavy hand

of absolutism laid upon them, each and all; and then our eyes would be attracted by those two bright spots of which I have already spoken, England and Holland. From them would be seen coming bright beams of light, inspiration and guidance, strong enough to reach across the Atlantic and to help the earliest American settlers to lay the foundations of the civil government which is ours. We should see the fundamental principles of this polity growing stronger and more powerful, adapting themselves to varying needs and economic conditions, building up a nation which stretches from ocean to ocean, and from frost to continual sunshine, and which offers a haven and a resting place to men of every race and every blood, who believe in liberty and who seek it. I wish that we could see all that. I wish that we could see the history of political progress as it is recorded in the institutions of civilized men, and seeing it, then put to the American people the question: Why should we change our form of government?

When that vision is revealed to the intelligent American, when his intelligence and conscience are really reached, he will say to these

revolutionists who are inviting us to the happy days of the socialistic democracy, No! He will say to the defenders of a representative republic, Let us not change our form of government; let us develop, let us perfect it, for in so doing we are only responding to the noble appeal of Abraham Lincoln so to dedicate ourselves to the great task remaining before us, that "this nation, under God, shall have a new birth of freedom; and that government of the people, by the people, for the people, shall not perish from the earth."

II

BUSINESS AND POLITICS

An address before the Commercial Club of Kansas City, Missouri, November 19, 1908

BUSINESS AND POLITICS

The noise and clamor of the presidential campaign have now died away, and it is possible to discuss seriously and calmly some of the larger questions which confront the American people. It is most appropriate that these questions should receive the consideration of so representative a body as this.

It is an unfortunate characteristic of democratic government, particularly in a country so large and with such varied interests as our own, that when we are engaged in electing our executives and our legislators, we must strike a balance between principle and policy, and must choose the course that we as individuals will follow in the midst of a myriad of minor, conflicting, and distracting considerations. What stands out as the chief issue of a given political contest in the mind of one American, seems to his fellow a quite subordinate matter. One man will vote for the candidate of his choice because of his personality,

although disliking his policies; another will vote for the same candidate because of his policies, though disliking his personality; still another will vote for the same candidate without regard to his personality because some one policy which he advocates or some one incident in his career makes strong appeal for support. Therefore, it is that we can rarely be quite sure that any given issue has been settled by a particular election. Our recourse must be had, when no election is pending and when there are no distracting surroundings, to that enlightened public opinion, to whose bar all political policies must be brought for judgment, and from which all political movements that are to be permanent must take their origin.

This government was founded by men whose minds were fixed upon the problems involved in the creation of political institutions. They were thinking of liberty, of representative government, of protection against tyranny and spoliation, and of ways and means by which public opinion might, in orderly fashion, express itself in statute laws, in judicial judgments, and in executive acts. The task of the founders was a political task, and with what almost super-

human wisdom, foresight and skill they accomplished it, is recorded history.

The government erected by the Constitution was not at once or easily adjusted to the needs and desires of all the people. Not only were the judicial genius of Marshall and the irrefutable eloquence of Webster needed to build the nation upon the broad foundations that the Constitution had laid, but the moral problem presented by the existence of human slavery had to be solved. The lapse of many years, the sincere efforts of a score of constructive statesmen, and the blood and tears of millions of Americans alone solved that problem.

After nearly a century of existence, the nation emerged from its long period of development and inward struggle to find itself a splendid legal and political unit, ready to face the new problems which an expanding territory, a multiplying population, and the lightning-like spread of invention, science, commerce, and industry forced upon it.

So it has come to pass that we are no longer confronted primarily with questions of governmental form and political institutions. The

place of our executives, of our courts, and of our legislatures, both state and national, are fixed with reasonable definiteness and are well understood by the people. Such changes and readjustments between them as the future may have in store will come in all likelihood by processes of orderly development, and not through revolution or cataclysm.

Instead of questions involving the civil and political rights of the individual, and the mode of carrying on a representative government, we are now confronted by questions which are at bottom not political in the narrow sense, but economic. These are the questions with which our political theories and our political practices are now brought face to face, and from the consideration of which they cannot escape. They are questions of what is called business. The most urgent matters for the American people to settle today, and to settle right, relate to the fundamental principles which shall control their political policies, as these policies are related to business.

Three, and only three, paths are open to us. First, we may, if we choose, adopt the policy of *laissez faire*, or let alone, which has been pow-

erfully advocated by political philosophers of high authority.

Second, we may take the opposite course and endeavor to exercise collective ownership and control of the agencies and instrumentalities of productive industry and of transportation, which is socialism.

Third, we may, while preserving to ourselves the extraordinary moral, economic and political benefits which flow from individual initiative and the adequate reward of individual endeavor, lay the collective hand so heavily upon business activity that the individual's self-interest shall, if it be possible, be held always subordinate to the common good.

To some, like myself, it is sufficient to state these three courses of action to recommend the one last named. From this quick preference, however, many dissent, and their dissent is so emphatic and so warmly urged that it may not be passed by without a hearing.

To the defender of *laissez faire* there is an immediate and, I think, a conclusive answer to be found in the industrial and political history of the world during the past hundred years. The rapid growth and steady concentration of

population, the annihilation of distance and time by steam and electricity, the swift rise of the factory system and the phenomenal success of that form of coöperative industry known as the corporation, have all tended to bring about a real, though invisible, business partnership between the individual and the community, and both partners must be heard in respect to the policies which the partnership wishes to pursue. The community's contribution to property values, the community's grant of individual monopoly, of patent rights and of corporate privileges, the community's protection of individual obligations and responsibilities through its enforcement of contracts, and the easily demonstrated moral evils of unrestricted and unsupervised competition, make it plain that whatever may have been the advantage of a policy of *laissez faire* earlier in the world's history, the time for it is now passed.

There are those, and they are many in number, in America as well as in Europe, who hold that the second of the three possible courses of action named is the one for society to pursue. In their beatific vision they see poverty and suffering, unhappiness and want, disappearing

like dew before the rising sun of collective ownership and control of the agents and instruments of productive industry. These men are socialists. Their hearts are often sound and warm, but their heads are neither hard nor clear. The human beings to be gathered into their collectivist system are precisely the human beings that are now in the world, and the children of these. Human nature is not going to change because a new form of economic organization is hit upon. All the old passions, and desires, and ambitions, and weaknesses, and sins which have dogged the path of humanity from its first recorded appearance on earth, are going to pursue it into the collectivist's state. Instead of the natural law which selects an individual for a given task by proved fitness, there is to be selection by the collective mind. Some sacred and uplifting power is to dwell in the duly appointed collectivist government official which will enable him to do what, as a citizen in our representative republic he could not accomplish.

As an aspiration, socialism is in large measure commendable, though vague. As a political program it asks us to take the ship of state out on to a fathomless sea without chart or compass in a perpetual fog. If every elected

and appointed officer of an American commonwealth were tomorrow to declare himself an adherent of the socialistic program, neither he nor all his colleagues together could do one single thing to substitute the collectivist's state for our representative democracy, save through revolution and the subversion of the constitutional principles on which our civilization and our government rest. It is worth while remembering this fundamental fact. There is no possible way in which a socialistic state can be developed out of our representative American democracy. It can be substituted for that representative democracy, if at all, only by political revolution. The fundamental principles underlying our constitutional government, our representative democracy, are those which are the product of the settled habits of thinking of the Anglo-Saxon race. It took many hundreds of years and countless struggles to discover and to establish them. Deep down at their base, is the right of the individual to the fullest and freest development of his opportunity, provided only that he respects the equal right of his fellow. Out of that principle has come everything which we call western civilization, and the Orient has only stirred from its aeons of lethargy

when that western principle has found expression among some part of its population. The American people may, if they choose, take the necessary revolutionary steps to install a collectivist or socialist state, but when they do they will substitute a dead for a living thing. They will dry up at their source the well-springs of progress, and they will starve to death those splendid traits of benevolence, human kindness and charity, which have marked the upward path of civilization since the religion of Christ became one of its most potent moving forces. Socialism is a reactionary, not a progressive movement. In the name of progress, it calls upon civilization to halt; in the name of a glorious and happy future, it bids us return to principles and practices of a dead and forlorn past. There is no hope for America in socialism.

There remains then the third alternative. This is such measure of individual and corporate oversight and control as changing circumstances may require in order to prevent self-interest in its excess from damaging the common good, without checking its beneficent activities.

The questions involved in entering on this course of action are in part ethical, in part economic and in part political.

From the ethical standpoint we must have a care that the individual is given the freest possible scope for the exercise of his talents, and that he is protected in the just and honest gains which come to him.

From the economic standpoint we must have a care not to interfere with the highest productivity, or with the most equitable distribution of wealth, unless one or both of these ends are in conflict with a higher human need.

From the political standpoint we must have a care that we do not disturb the balance of power between state and nation; that we do not build up a great army of public employees and bureaucrats; and that we do not mistake the purpose of our activity in this regard and legislate solely for the sake of legislating or to allay clamor, which in propriety should be met by a clear exposition of its groundlessness.

When we pass from controlling principles to concrete matters, we find ourselves face to face with the fact that in order to settle wisely the

relations of our present-day politics to business, we must deal with three chief problems —that of banking and currency; that of the transportation systems of the country; and that of the large corporations which carry on the manufacture and sale of products.

Of these the first in importance, because fundamental to every other business question, is the problem of banking and currency. The history of this question in the United States is reasonably familiar to all intelligent men. The nation was started on the right path by Alexander Hamilton, and no statesman since his time has understood more clearly or stated more cogently than he the fundamental principles which control a sound national system of banking and currency. Hamilton's fundamental ideas of a national banking system supervised by the government and a national bank currency, are incorporated in our system today. But Jackson and Benton destroyed, in their successful war upon the second bank of the United States, the institution which might have been made the controlling factor, under government direction, in giving to the business of the nation a sound and elastic currency sys-

tem. I venture to predict that the closer we get back to the principles underlying Hamilton's financial policies, the more nearly shall we approach the development of a sound system of banking and currency for the United States of today. From the time of Hamilton's first letter to Robert Morris, written when a young soldier in camp at the age of 23, to his great report on the public credit, made to the Congress in 1790, and his opinion on the constitutionality and desirability of a national bank, given to Washington in 1791, that great political genius advanced steadily in the completeness of his grasp upon the problems which the financial necessities of the new nation and the proper conduct of the people's business presented. Gallatin in 1811, Dallas in 1814, Calhoun and Clay and Madison in 1816, and Marshall, in what is perhaps the most important single opinion that the Supreme Court of the United States has ever rendered, made in the case of McCulloch *v.* Maryland in 1819, all supported and sustained Hamilton's view. The financial troubles and difficulties of the United States began when the principles of Hamilton were forgotten, and the nation started

out on the uncharted sea of reckless financial experiment.

There is now sitting a Monetary Commission clothed with the authority of law to make careful and extensive inquiry into the banking and currency question, and to formulate a report for action by the Congress. This Commission has gone about its work in the wisest possible way. Without preconception or prepossession, it has undertaken to study, with an open mind, the practices and experiences of other civilized peoples. This is the method of wisdom and of sanity. Out of it there is almost certain to come a proposal for legislation that will take our banking and currency system out of the unsatisfactory condition in which it now is, and put it on a firm foundation, to the end that business, large and small, may be carried on without fear of money famine or financial panic, and the legitimate needs of every portion of the population in every part of the country may be equally and equitably served. Nothing could be more unfortunate than to allow this question to become or to be made a partisan one. If we approach its study with open mind and permit ourselves

to learn by the experience of other nations, and to seek suggestion and wisdom from every source, we shall not only do what is worthy of an intelligent, self-governing people, but we shall greatly increase the chance of arriving at a satisfactory conclusion.

The second important problem which faces us is that which relates to the transportation systems of the country. That we have been on the right track in the main, in the legislation which has created State Railway Commissions and the Interstate Commerce Commission, seems to me indubitable. These are the arms or agencies of government for exercising the necessary control over the transportation systems of the land. We have, however, fallen far short of success in our legislation relating to railways, and we cannot afford to postpone much longer the correction of the errors and blunders which have been made. It is a misfortune that the so-called Sherman Anti-Trust Act was found to relate to railways. The conditions surrounding the railways and those surrounding the great industrial corporations are so different that any attempt to unite in a single measure the provisions for

their governmental oversight is foredoomed to failure. Moreover, our State Railway Commissions and our Interstate Commerce Commission should themselves be composed of men who stand in the same relation of knowledge and experience to the railway business of the country, that the Justices of the United States Supreme Court and of the State Supreme Courts occupy toward the members of the Bar who practice before them. To gain a seat upon a State Railway Commission or upon the Interstate Commerce Commission, ought to be the highest ambition of a successful railway man, just as to gain a seat upon the Supreme Court bench of his State or of the United States is the highest ambition which a competent lawyer can entertain. It is idle to say in objection that Commissioners so chosen would favor the interests with which they had been affiliated. No such charge can fairly be brought against our higher Judges nor could it be brought against the tried and tested men who would serve upon these Commissions to oversee the transportation business of the country. What the railways now most fear, and justly fear, is supervision by ignor-

ant and narrow-minded men who have no real conception of the problems of railway construction, operation and management. If we are to have, as we must have, these governmental agencies for the supervision of business, it is incumbent upon us to make these agencies in all respects competent. The best State Railway Commissions and the best Interstate Commerce Commission would be ones that were constituted of men who were appointed to membership upon them because of long, successful and honorable railway service. We have long since substituted judicial procedure for the primitive trial by ordeal in ordinary criminal cases, but it may well be doubted whether we are not even today compelling the transportation systems to submit to trial by ordeal rather than to judicial inquiry and determination.

Moreover, in our state and national supervision of the common carriers, we must have a care that we do not attempt to substitute these governmental Commissions for the Boards of Directors. The United States Supreme Court itself has said that "railroads are the private property of their owners; that while from the

public character of the work in which they are engaged the public has the power to prescribe rules for securing faithful and efficient service and equality between shippers and communities, yet in no proper sense is the public a general manager." [1] The Supreme Court has also said: "When one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public, for the common good, to the extent of the interest he has thus created." [2] These two principles, laid down by the highest judicial authority in the land, indicate the lines along which and within which future legislation, both state and national, regarding common carriers, should proceed. The interest of the community in the efficient and equitable operation of the railways is a vital interest; the interest of the community in the operation of the railways in a manner profitable to their stockholders is equally vital.

The third important concrete question of

[1] Interstate Commerce Commission *v.* Chicago Great Western Railway Company, 209 U. S., p. 118 (1908).

[2] Munn *v.* Illinois, 94 U. S., p. 126 (1876).

the moment relates to the large industrial corporations known as trusts. On this subject an incredible amount of nonsense has been talked before the American people for many, many years. What is needed now is the intelligence and the courage to look the facts squarely in the face, to cease calling names and to inquire in what direction the highest public interest lies. Combinations in restraint of trade are obnoxious to our sense of natural justice and have long been forbidden by the common law. Whether a given combination is in restraint of trade or not, is, in essence, a matter for judicial inquiry and determination. Every attempt to lay down a general rule or a definition of combinations that, by their very existence, are in restraint of trade, has been, and I think will always be, futile. Economic conditions change almost while we are talking about them, and no nation can carry on a successful and profitable domestic and foreign trade which attempts to draw hard and fast lines and limits, based on present conditions, for the business activity of the future.

Monopolies, if created by law, we can if we

choose tax in a way that will rob them of their power for harm. Monopolies not created by law we can reach either by the taxing power or by the exercise of supervision in the public interest. Uncontrolled monopolies are not likely to be serviceable to the public. A controlled monopoly, on the other hand, may be highly serviceable. We need to cultivate the habit and the spirit of looking into the facts in each case and of inquiring how the public service, prices, steadiness of employment, the relative rate of wages, and the foreign export trade are affected by a given industrial undertaking. Uniform and universal denunciation is even more ludicrous and unsatisfactory, if that be possible, than uniform and universal eulogy of these economic undertakings. To attempt to assign a measure of virtue or vice to an industrial corporation on the basis of the amount of its capital stock or the volume of its business, is as absurd as to measure the public usefulness of a citizen by his height or his weight. The question of importance to the public, is not how tall or how heavy is a given individual, but what does he do? What kind of a character has he? What is his influence on others?

These are precisely the questions to be raised in the public interest about industrial corporations.

We must not unduly exalt the principle of competition and we must not fail to lay proper emphasis upon the public benefits which may follow from properly regulated and supervised coöperation. When the Anti-Trust Act was under consideration by the Senate, Senator Sherman himself said that it was not intended to announce any new principle of law, but only to apply the old and well-regulated principles of the common law to cases arising within the jurisdiction of the federal courts. Interpreted in this spirit, the Sherman Anti-Trust Act means flexibility, adaptability, reasonableness, public benefit.

No one of these three great questions is properly a matter for partisan exploitation or for party difference. Each of the three should be settled as common-sense business men would settle any question, after a close study of all the facts and with the public interest always uppermost as a controlling motive in pointing to any given solution or set-

tlement. The American people cannot solve these questions of banking and currency, of the railways and of the great industrial corporations, either with rhetoric or in passion. They can solve them only by solicitous study and intelligent reflection. It is the highest duty of the patriotic business interests of the United States, now that there is an interval between political canvasses and campaigns, to apply themselves with all the power of their great influence to the task of settling these questions in which politics and business border so closely upon each other, in ways that will conduce to the moral and material upbuilding of our people, as well as to their happiness and prosperity.

This gathering is held each year in commemoration of the treaty with Great Britain negotiated by John Jay, under instructions from President Washington, which was signed on November 19, 1794, and ratified by the Senate of the United States on August 18 of the following year. In your presence I am glad to recall the fact that John Jay was graduated from the college, now grown into a national

university, which I have the honor and the privilege to serve. He belongs with the American immortals. The great treaty which bears his name, and which you so justly celebrate, is itself a landmark of our nation's history. It was an early and potent contribution to the solution of grave problems of business and of politics. It was the work of a political mind of a high order of excellence and of unexcelled patriotism. It called forth the warm approval of Washington and stirred the genius of Hamilton to one of his most noteworthy exhibitions of persuasive power. It opened the way to the development of the Mississippi Valley, and it was the first step in the establishment of those good relations with Great Britain that are now a satisfaction and a source of pride to both nations. How better can we approach the problems of today than in the memory and under the inspiration of the work of the fathers who so solidly laid the noble foundations on which it is our opportunity, our privilege and our duty to build?

III

POLITICS AND BUSINESS

An address at the One Hundred and Forty Third Annual Banquet of the Chamber of Commerce of the State of New York, November 16, 1911

POLITICS AND BUSINESS

One trouble with politics and business is the amount of talk about it. Probably more has been said and more has been written on this subject in the United States, during the past fifteen or twenty years, than has ever been written before on any subject since the world began. What strikes me most, as I read these innumerable speeches and orations and articles, is the perpetual placidity with which these torrents of words flow from the serene seclusion of an empty mind. In fact there is so much and so incessant talk about these subjects that I cannot help recalling an admirable story which is told of Robert Southey, once Poet Laureate of England. Southey was boasting to a Quaker friend of how exceedingly well he occupied his time, how he organized it, how he permitted no moment to escape; how every instant was used; how he studied Portuguese while he shaved, and higher mathematics in his bath. And then the Quaker said to him softly: "But when, friend, dost thee think?"

My impression is that we need now some time to think, in order that reflection and study of principle, and grasp upon realities, may take the place of perpetual discussion and exposition, partly of what is, partly of what never was, partly of what never can be. We may be as optimistic as we please—and I am a confirmed optimist—but the fact of the matter is, that we are today in the United States engaged in industrial civil war; and, as in all civil wars, the chief loss, the chief burden, the chief suffering, fall upon those who are non-combatants, and upon those who are not conscious of any responsibility for the struggle. I saw advertised some time ago in England a child's comic history of Great Britain. I wonder whether the time has not come when some one should attempt to write a comic history of the United States, in the hope that wit and sarcasm may have some effect where argument and reason seem utterly to fail?

What is the situation? Government is at war with the economic forces of the body politic. That is civil war. Government armed with the strong weapon of the law is one

combatant; economic forces urged on by self-interest and the necessities of the world's business are the other. The cries that fill the air are of war to the knife,—of extermination, destruction, wiping out of enemies. And those of us who are neither members of government nor immediate agents of the great economic undertakings are left, while onlookers, to meet the cost; and the cost is a terrible one. What has happened in these United States to bring about in fifteen or twenty years an almost complete reversal of business conditions? We are told, on the one hand, that nothing has happened; but that men's passions have been stirred, that jealousy has been aroused, and that people are attacking that which they do not like—a most inadequate and helpless explanation. On the other hand, we are told that what has happened has been a new vision of liberty, a new insight into ethical and social conditions, and that this new vision, and this new insight, are finding expression, and will find expression, in these amazing public policies. That is another helpless and inadequate explanation, and it indicates that some of our excellent friends are dilating with the wrong

emotion. The fact of the matter is, that a great many good people in this world mistake emotional insanity for moral enthusiasm.

It is necessary to look a little deeper to get at the actual facts. My impression is very distinct that what is going on in this country is nothing less than a test of the adaptability of our institutions and a test of our national common sense, a test being imposed by the appearance of utterly new, strange, unexpected and unpredicted economic conditions and forces working upon a gigantic scale. In other words, we are living in one of those periods of development and movement and change and evolution when institutions established and embodied in law and in political procedure, are put to it to keep pace with natural and orderly and inevitable development in social and economic conditions.

There is a very large body of opinion in this country and a very powerful body of opinion, which in my judgment utterly mistakes the situation and utterly mistakes the remedy. That is a body of opinion which tries to solve our existing problems and difficulties by pouring new wine into old bottles, by turning back

the hands on the clock of industrial and commercial progress, and by pursuing an aeroplane by mounting a step-ladder trundled along on a wheelbarrow.

The fact of the matter is, and it may just as well be recognized in this country and in every other country, that the era of unrestricted individual competition has gone forever. There is no power in Presidents, there is no power in Attorneys-General, there is no power in Supreme Courts, there is no power in Congress, there is no power in political platforms, there is no power in oratory to restore it. And the reason why it has gone is partly because it has done its work, partly because it has been taken up into a new and larger principle of coöperation.

What happens in every form of organic evolution is that an old part no longer useful to the structure drops away, and its functions pass over into and are absorbed by a new development. That new development is coöperation, and coöperation as a substitute for unlimited, unrestricted, individual competition has come to stay as an economic fact, and legal institutions will have to be adjusted to

it. It cannot be stopped. It ought not to be stopped. It is not in the public interest that it should be stopped.

How has this coöperation manifested itself? This new movement of coöperation has manifested itself in the last sixty or seventy years chiefly in the limited liability corporation. I weigh my words, when I say that in my judgment the limited liability corporation is the greatest single discovery of modern times, whether you judge it by its social, by its ethical, by its industrial or, in the long run,—after we understand it and know how to use it,—by its political, effects. Even steam and electricity are far less important than the limited liability corporation, and they would be reduced to comparative impotence without it. What is this limited liability corporation? It is simply a device by which a large number of individuals may share in an undertaking without risking in that undertaking more than they voluntarily and individually assume. It substitutes coöperation on a large scale for individual, cut-throat, parochial competition. It makes possible huge economy in production and in trading. It means the steadier em-

ployment of labor at an increased wage. It means the modern provision of industrial insurance, of care for disability, old age and widowhood. It means—and this is vital to a body like this—it means the only possible engine for carrying on international trade on a scale commensurate with modern needs and opportunities.

What would happen to the export trade of the United States if we were to give up our limited liability corporations and go back to individual competition? Any member of this Chamber can answer that question for himself. If this principle is so beneficent and so important, that as soon as it was discovered it spread all over the civilized world and brought about a development the like of which man has never seen, how have our troubles arisen? I venture to think that our troubles have arisen, and can only arise, from one of two causes. They can only arise from the economic abuse involved in the absolute control of prices, abhorrent alike to the instinct of the Anglo-Saxon people and to our common law, or, from the moral delinquency of unfair, dishonorable and dishonest methods in business.

Our troubles do not arise from the size of corporations, they do not arise from the percentage of control of business, they do not arise from amount of trade done; they arise not from limited liability corporations at all, no matter how big they are; but they arise as troubles of this kind always arise, from individual delinquents; and we need no more law than we now have to get at individuals who commit immoral offences, dishonorable acts, whether in trade or out of it.

It seems to me that the time has come when we need in this country more than we ever needed before, a campaign not of virulent attack and abuse, but a campaign of enlightenment and patient education. My mind goes back not so long ago, to the years 1894 and 1895. I remember, and you remember, the feeling which very many of us then had that our country was threatened with a false monetary policy. We felt that we were likely to be discredited in the eyes of the world and handicapped in our business by being forced into the acceptance of a false standard of currency. What happened? The business men, the more thoughtful citizens of all parties assembled

together, at first in Indianapolis and then elsewhere, and they began a campaign, a patient campaign of education. The purpose of that campaign was to make the average American citizen, who is at bottom perfectly honest and who wants to do right, to make the average American citizen understand that the facts had not been fully presented to him by the other side, that their arguments were futile and inconclusive. At the end of that campaign when the polls were closed in November, 1896, one of the most stupendous and overwhelming political triumphs this country has ever seen was registered all over these United States. Not in one state alone, not in one section alone, but everywhere the men who really believed that there was an economic and moral principle at stake diligently carried on a campaign which convinced the average American, because his intelligence and his conscience were reached. We find ourselves in precisely that sort of position now. In twelve months from this time we shall have elected a President of the United States, we shall have chosen a new House of Representatives, and we shall have provided for the election of a large number of

new Senators of the United States, and our policies will substantially be fixed for four years to come. It will be settled then whether this civil war is going to continue, futile, hopeless, purposeless, stupid, for four years more, or whether out of it all is going to come some constructive national policy that accepts economic facts as they are, and instead of trying to refute and rebut and disable them, harnesses them in the public interest, and makes them public servants.

There is no use in abusing the President of the United States because he enforces the law as it is. There is no use in attacking the Supreme Court of the United States because it puts into its decisions admirable words that some people do not like. The real body to reach and to convince in this country is the legislative body, the Congress of the United States. If anything is to be done that expresses a change of public opinion it must be done by and through the national legislature.

I know how unsafe it is for any layman even to mention the Sherman law. I know that there is a prejudice in some political and journalistic circles against a layman saying

anything about that law except the single word "Guilty." But let me suggest that you do not agitate for an amendment of the Sherman law. Supplement it, if you like, but do not amend it. The Sherman law has now been subjected to twenty years of the most careful, the most extensive and the most elaborate legal and judicial examination and determination. Under it we are working out a solution slowly, patiently, and with much doubt; but we are working out a solution of the relations of business to that law by the very processes which have always been those governing in our Anglo-Saxon life, the process of the application of the common law, building up from precedent to precedent; and the man who undertakes to amend that law will make it worse. The first thing that will be done in that case will be to except some privileged people from it, and the only people who will be excepted will be those with a large number of votes. If you do not think so, read the platforms in the last political campaign. Go back and examine the discussions which led up to the adoption of those platforms, and you will find that the strength of the Sherman law,

as now interpreted by the Supreme Court, lies in the fact that it applies to every interest in the country. That is its strength. It applies to agriculturists; it applies to horticulturists; it applies to labor unions. All of these have sought time and time again exemption from the act. It is vital, if the principle of that law is to be interpreted judicially and fairly over a long period of years, that it shall have this undisturbed and unlimited application.

There is nothing new about all this conflict over large and new business undertakings. We Americans are very fond of thinking that history began on the Fourth of July, 1776; and that most things of importance date from about the last Presidential election. As a matter of fact there has not a single thing been said about corporations, about large industrial combinations, which was not said in England about co-partnerships, when co-partnerships were first invented. You may go all the way back five hundred years, and you will find exactly these same expressions. I ran upon this the other day. Let me read it, and perhaps you may guess from what American daily newspaper it comes:

"The merchants form great companies and become wealthy; but many of them are dishonest and cheat one another. Hence the directors of the companies, who have charge of the accounts, are nearly always richer than their associates. Those who thus grow rich are clever, since they do not have the reputation of being thieves."

That was not published in New York, or Chicago or San Francisco. That is found in the Chronicle of Augsburg, Germany, in 1512. In one year more that quotation will be four hundred years old.

They were very much disturbed about this problem in those days, and the Diet of Nuremberg appointed a committee in 1522 to investigate monopolies. They sent an inquiry to several cities, to Boards of Trade and Chambers of Commerce, to know what better be done. This is the answer they got from Augsburg:

"It is impossible to limit the size of the companies for that would limit business and hurt the common welfare; the bigger and more numerous they are the better for everybody. If a merchant is not perfectly free to do business in Germany he will go elsewhere to Ger-

many's loss. Any one can see what harm and evil such an action would mean to us. If a merchant cannot do business, above a certain amount, what is he to do with his surplus money? It is impossible to set a limit to business, and it would be well to let the merchant alone and put no restrictions on his ability or capital. . . . . Some people talk of limiting the earning capacity of investments. This would be unbearable and would work great injustice and harm by taking away the livelihood of widows, orphans and other sufferers, noble and non-noble, who derive their income from investments in these companies. Many merchants out of love and friendship invest the money of their friends—men, women and children—who know nothing of business, in order to provide them with an assured income. Hence any one can see that the idea that the merchant companies undermine the public welfare ought not to be seriously considered. The small merchant complains that he cannot earn as much as the companies. That is like the old complaint of the common laborer that he earns so little wages. All this is true enough, but are the complaints justifiable?"

I read that to illustrate that the business and political mind of Europe has been on this question for at least four hundred years. If you will read Adam Smith, if you will read Buckle, you will find out precisely what happens when this kind of thing is attempted. In other words, we must, if we are rational and sensible, learn by the world's experience. We must learn that economic laws, economic principles, based on everlasting human nature are fundamental and vital, and your care and mine, as citizens of this Republic, is not to interfere with these laws, not to check them; but to see to it that no moral wrong is done in their name.

That is a very different proposition from that of overturning a great economic and industrial system by statute. You may be perfectly certain that, try as one will, harangue as do office-holders and candidates for office, exhort as do the demagogues all over the land, they may worry, they may annoy, they may distress; but the chief worry, the chief annoyance, the chief distress will fall upon those of us who are innocent of participation in the struggle, and who are simply

private citizens among the ninety-three or ninety-four millions of our people. You cannot control these fundamental economic processes by human statutes; and it is not in the public interest that you should. In other words, we have now reached a point where with the experience of the world before us it is our place and our business as intelligent, patriotic Americans to look the facts in the face; to initiate and carry on, in season and out of season, an effective campaign of education that will make clear to the great masses of the people what are fundamental economic laws and what is the relation of those laws to the possibilities of statute-making; and then to demand that in the highest public interests constructive statesmanship be substituted for the everlasting antics of political demagoguery.

IV

THE CALL TO CITIZENSHIP

An address before the National Education Association at Denver, Colorado, July 6, 1909

THE CALL TO CITIZENSHIP

Today the schools and colleges of the land are justly called upon to bear a heavy burden. Instruction, however good, and discipline, however excellent, are but means to an end. That end is citizenship and the proper preparation for it. Nor is citizenship to be thought of as something abstract, theoretical, remote. It is desperately practical and deals with that which is here and now. Our nation is just now in a very political mood. It is turning over anxiously many grave problems, the solution of which is of vital consequence to the whole people.

For example, several imposing political antinomies confront us. The natural desire to develop foreign commerce, and to enrich our people thereby, finds itself face to face with the determined purpose to throw the protecting arm of government about domestic industry. The definite wish to attract to our shores the ambitious and the worthy from all the world is held in check by the stubborn weight

of the race problem, the roots of which are deep down in the nature of man. The purpose to keep open to every individual all possible avenues of usefulness and all possible opportunities for lawful acquisition, is opposed by the determination not to permit the development under law of great organizations, powerful enough to bend the law to their own purpose and to control the state itself. Surrounded by conditions such as these, it is natural to reflect upon the principles which underlie and control good citizenship.

The American citizen at the beginning of the twentieth century has something more to do than to face, and if possible to solve, these contemporary problems, complicated and difficult as they are. He has also, and first of all, to preserve and protect those underlying principles of civil and political liberty which were established by the fathers, and which have been handed down to him as the basis on which the whole fabric of this Republic rests. To fail to solve the problems of today would certainly damage, and perhaps destroy, the fundamental principles of Anglo-Saxon institutions. On the other hand, to solve those prob-

lems in ways that antagonize and contradict the great insights of the past two thousand years, which insights have crystallized into forms of liberty and modes of government as familiar and as necessary as the air we breathe, would be not to solve them at all, but only to postpone and to complicate their possible solution.

It is plain, then, that the educational instrumentalities of the country, schools, colleges, and universities alike, have before them here a task which takes precedence of all questions of school organization and management, of programs of study and curriculum, of teachers' salaries and tenure of office, of general *versus* vocational training, of secondary and ancillary questions of every sort—the task, namely, of preparing intelligent American citizens to take up each his own share of the nation's responsibilities.

The unrest which is abroad in the world, and which is found alike in Europe and in America, in the unchanging East as well as in the restless and rapidly-moving West, is in no small part due to the lack of understanding of what is going on in the world and what has

gone on hitherto. What one does not understand, first perplexes, then annoys, and finally antagonizes him. It is not true, as some hold, that the world's unrest is traceable in last analysis to physical hunger. Probably there never were so few hungry men as there are today. Civilization may have its faults, but lack of ability to uplift the masses of the population and to offer them opportunity is not one of them. The world has been for more than a hundred years under the spell of abstract principles, admirable in themselves, and yet the world in large measure lacks the ability or the capacity so to organize itself and its business that those principles shall find just and equable expression. Everywhere old beliefs, old traditions, and old customs are giving way before the corroding tooth of time; and as the time-honored creeds, political, social, and religious, lose their hold, others equally controlling and imperative do not come forward to take their place. Immense masses of men are left, therefore, with almost boundless opportunities for good or evil, but without guiding principles with which to work. This leads to intellectual, political, and moral restlessness.

There are many who feel that the rising generation of Americans is growing up without any proper knowledge of the fundamental principles of American institutions and American government. Because of this lack of knowledge, well-meaning men lend ear quite too readily to demagogues who propose to them all sorts of schemes without any relation, save one of antagonism, to established political principles. From listening to demagogues, it is but a short and easy step to a state of mind in which envy, greed, and hate are elevated to the lofty place which should be occupied by respect and confidence, as well as by political insight, political knowledge, and political experience. The Americans of an earlier day got their training in the fundamental principles of citizenship from the stern facts which faced them. This was the school in which the nation's fathers were educated. During the early part of the nineteenth century the task of nation-building went on apace, and the discussion of fundamental principles was always going on in the Congress as well as before the people. Then came the great clash of arms in civil war, and principles were yet turned to for

guidance and direction. Men sought even to stay and to turn back the tide of battle with the force of logic.

Today, however, one hears much less of these fundamental principles. There are those among us, some of them in places of responsibility and great influence, who call these principles out-worn, antiquated, obstacles to popular government, and who would substitute the passing desire of today for the carefully wrought design of all time. Men now talk with straight faces of substituting rude and primitive justice for the orderly procedure of law, apparently with no recognition of the fact that this substitution means to plunge man and his highest interests back into barbarism, and to reëstablish the time when might made right. The courts are attacked as usurpers of an authority which the people themselves have given them for the people's own protection. The carefully built guards which have been put about individual rights and liberties are denounced as fortresses of privilege by those who seek privileges for themselves at the expense of the rights of others.

There are only two really deep-seated and

influential enemies of human happiness and human order, ignorance and selfishness. These do pretty much all the damage that is done in the world, and they are the always present obstacles to improving the condition of mankind. It is the province of intellectual education to address itself to the first of these, and it is the task of moral education to deal with the other. If men's eyes could only be really opened to an understanding of how the civilization of the world has been won; if they could be brought to see the significance of each step, taken however long ago, on the upward path of man's development; if they could recognize that the perplexities of today are due chiefly, if not entirely, to lack of adjustment between the ruling principles which are at work in human life and the circumstances of the moment, and not to the imperfection or unwisdom of those principles, they would be able to pass juster and wiser judgments upon the questions submitted for arbitrament to them as citizens. If men could only be led to appreciate the distinction between selfishness and selfhood; to see the richness and fulness of nature which come from service; and to realize that

the highest expression and the greatest conquest which a human personality can attain is through finding its ideals and its satisfactions in promoting the happiness and the interests of its kind, the task of government would be easy indeed.

In all parts of the world there are those who feel this so strongly that, in order to gain what seems to them to be a desirable end for the whole body politic, they would strike at the roots of human individuality and deprive it of the favoring soil in which alone it can grow. If they were to succeed in this endeavor, they would not mend matters at all. On the contrary, they would make them worse. It is not less individuality that we need, but fewer self-centered individuals. It is not less private property that we need, but private property more widely distributed and fewer men who treat their hoards as misers rather than as trustees. Human individuality and personality will blossom anew and more richly if planted in the garden of service.

If one, seeking to know the story of civilization, casts his eye back over the pages of recorded history, he will find that the record of

progress can be written in a single sentence. It is the development of liberty under law. Liberty and law are the two words upon whose true and faithful exposition all training for citizenship must rest. He who truly understands the meaning of liberty and the meaning of law, and the relation of one to the other, is ready to face his full duty as an American citizen.

It is a sorry travesty upon the serious business of training for citizenship, that it should be thought that we can make citizens by teaching the external facts relating to the machinery of government alone. A knowledge of the way government works in this and other lands is highly important and of course helpful. But this knowledge may be minute and complete and yet be unaccompanied with any real grip on the principles that vitalize free government everywhere.

An admirable book for training in the fundamentals of citizenship could be written in three parts: the first to deal with, to describe, and to illustrate the conception of Liberty; the second, to deal with, to describe, and to illustrate the conception of Law; and the third,

to outline in simple fashion the agencies which the American people have created in order that Liberty and Law may strengthen each other.

Liberty is the freedom from all restraints but those which the lawful rights of others impose. Liberty, therefore, attaches to man as a social and political animal. It relates to his conduct and opportunities as a member of a body politic. Liberty contradicts and denies license just as completely as it contradicts and denies tyranny. To escape from restraints other than those imposed by the lawful rights of others, men have made every conceivable sacrifice. To be permitted to hold opinions of one's own choosing, to pursue the calling of one's own preference, to move about as inclination and opportunity may lead, to retain as one's own possession the rewards of one's labor and skill, are inseparable from liberty. The free man, therefore, lives surrounded by both opportunities and limitations. The opportunities are an invitation to the exercise of his own capacities; the limitations are the just opportunities and privileges of others. It is one of the paradoxes and marvels of human

nature that man grows in power and in grace as he lives and works with others who have the same privileges and opportunities as himself. As he rises superior to these limitations and through sacrifice overcomes them and turns them into elements of strength and power for himself, he grows in individuality and in usefulness as a citizen.

It is law which imposes the limitations that are characteristic of liberty. Law is nothing more nor less than the system or collection of principles and rules of human government in their application to property and conduct, which are enforced by a sovereign political authority. Laws themselves change, but the principles underlying the existence of law do not, and cannot change, unless society and civilization are to be destroyed. They are the long and painful product of evolution operating in the field of human conduct and human affairs. The really intelligent man regards the tried and tested products of time with high respect; the anarchist would destroy them at one blow for the pleasure of returning to chaos. It is of high importance to teach that law is not caprice, that it is not tyranny, that it is

not limited in its application. It is the sovereign people themselves who speak by the mouthpiece of the law, and the institutions and agencies which have been created for the exposition and enforcement of law are the people's own institutions and agencies. It is a noteworthy and singular characteristic of our American government that the Constitution provides a means for protecting individual liberty from invasion by the powers of government itself, as well as from invasion by others more powerful and less scrupulous than ourselves. The principles underlying our civil and political liberty are indelibly written into the Constitution of the United States, and the nation's courts are instituted for their protection. We Americans are thus in possession of an apparatus unlike anything which exists elsewhere in the world to protect the principles of liberty, and it is to this more than to any other single cause that we owe the stupendous strides of the past one hundred and twenty-five years.

An intelligent citizenship, which is also good citizenship, implies, however, much more than a knowledge of fundamental principles, indispensable as that knowledge is. Good citizen-

ship implies a habit of will by which the individual instinctively conforms his action in concrete cases to the abstract principles in which he professes belief. It is curious how many men feel that the rule of sound principle is excellent for the conduct of others, but that it should be suspended or at least relaxed in their own case when some material advantage is to be had. It is a long time since clever men first began to devise ways and means of making the worse appear the better reason, and human ingenuity has not yet exhausted itself by any means. Madame Roland's heart-breaking cry from the scaffold "O! Liberty, how many crimes are committed in thy name," is still ringing in the world's ears. We must be careful, then, not to confuse the names Liberty and Law with the facts. We must not permit ourselves to be misled by appearances, but rather insist upon digging down to the bed-rock of underlying principle in order to determine our attitude toward a specific political or social problem.

It is curious, too, how ready men are to condemn in their contemporaries the qualities which they profess most to admire in

their ancestors. What was the determined purpose of long ago becomes narrow-mindedness and stubbornness when exhibited today. The lofty idealism of some great prophet of the race which has been celebrated in song and story for centuries, is termed the vagary of a dreamer and the outgiving of an unpractical mind, when we find it looking us in the face. This power of self-deception keeps many of the worst citizens from realizing that they fall short of perfection in any degree. They go through all the forms and recite all the formulas of the creed of respectability and of duty. They dole out a little something to charity now and then, with quite the air of a martyr going to the stake for his beliefs. What more can be asked of them? The answer is instant and imperative: Make some show of genuine human feeling. Give some expression of honest human sympathy. Offer some real sacrifice for the common interest and the common good. Dwell upon something other than one's own physical comfort and material welfare, and heartily lend a hand to the huge task of making more human beings intelligent, property-holding, and free from the harassing and

in large part unnecessary cares which now torment them. If the decent men and women of America would begin tomorrow to do the things which their private beliefs and their public professions require, the sum-total of the world's comfort and happiness would be marvelously increased before sunset. It cannot too often be repeated that the problem of human betterment is not a problem of revolution. It is not a problem whose solution involves cutting loose from all that has gone before, or one which compels radical readjustment of accustomed legislation. It is simply and solely a matter of individual self-betterment. Individual men and women are not going to be made over by the spread of some philosophy as to how under other auspices or in other worlds than ours the race might have been happier and more comfortable. Society as a whole is nothing more nor less than the sum-total of the individuals who compose it. It has no separate metaphysical entity, nor is it some strange and alien thing of which individual citizens know nothing and form no part. Individual men and women are society. They are the state. To it their highest alle-

giance is due. No church, no party, no union, no lodge, may interpose its interest or its ties between the state and the highest duty of the citizen with impunity, or without tending to overthrow the social order and to substitute the hatefulness of class-feeling for the glory of patriotism. If men's standards of action be raised, if their citizenship be real, sincere, and vital, then society is already reformed. Nothing else remains to be done.

In one of his well-known essays, Macaulay makes the statement that no compositions have ever been produced in the world that are equally perfect in their kind with the great Athenian orations. He adds the striking suggestion that genius is subject to the same laws which regulate the production of cotton and molasses. The supply adjusts itself to the demand. The quantity may be diminished by restrictions and multiplied by bounties. To the influence which oratory exerted at Athens, Macaulay attributes the singular excellence to which eloquence attained there. Why should not good citizenship rise to heights here in America equal to those which oratory and eloquence occupied at Athens? Macaulay may

be right. Let us put a bounty on good citizenship by giving to it great influence; by rendering it high honor; and by holding it in incomparable esteem. Let these standards be set early in the home and in the school. Teach young children who the real heroes of our Republic are. Show them with clear illumination the underlying principles on which the nation is built, and tell the story of how mankind discovered those principles and wrought them into political institutions. Do not permit the problems of today to become separated from the problems and principles of yesterday. Make it plain that the story of our political evolution is continuous and that what exists and perplexes now is the natural and necessary product of all that has gone before, and will, in turn, condition and determine what is to follow after. Before all else, keep the inspiring maxim, Liberty under law, before every American child, and as he grows in power of appreciation see that he understands what it means and involves.

The *Institutes* of Justinian, which have shaped the law of Europe for nearly fifteen hundred years, open in sonorous Latin with

the sentence which rendered into our tongue reads, "Justice is the constant and perpetual wish to render every one his due." Justice, then, is a habit of will; a habit of will not on the part of an individual sovereign, or of a high officer sitting in state, but a habit of will on the part of every individual who claims and receives the rights and privileges of a citizen. The will to render every one his due means that the rich, the powerful, and the successful are to have their due accorded to them without grudging and without envy, just as the poor, the unimportant, and the struggling are to have their due in fullest measure without oppression or exploitation. It is easy to be just when it costs nothing. The test of one's essential justice of mind and will comes when personal interest, personal prejudice, or personal passion stands in the way of its exercise. The perpetuation of democracy depends upon the existence in the people of that habit of will which is justice. Liberty under law is the process for attaining justice which has thus far been most successful among civilized men. The call to citizenship is a call to the exercise of liberty under law; a call to the

limitation of liberty by law; and a call to the pursuit of justice, not only for one's self, but for others.

For inspiration to an understanding of American citizenship let teacher and student alike turn to the great oration of Daniel Webster delivered at Plymouth, Massachusetts, on December 22, 1820, to commemorate the first settlement of New England. The reader who follows this remarkable exposition of the meaning of republican institutions as Americans had framed them, will understand the feeling of John Adams when he wrote: "This oration will be read five hundred years hence with as much rapture as it was heard. It ought to be read at the end of every century, and indeed at the end of every year, for ever and ever."

Those glowing words are the judgment of one of the nation's fathers upon the meaning of the call to American citizenship. What is to be the judgment of those who are now the nation's children?

V

ALEXANDER HAMILTON

An address at the unveiling of the statue of Alexander Hamilton in the city of Paterson, New Jersey, May 30, 1907

ALEXANDER HAMILTON

The large cities of the world are to be found where they are for good and sufficient reasons. We learn from historians and geographers what those reasons are. They tell us that in the ancient world and in the modern world alike, men first gathered themselves together in communities at points where protection and self-defense were easy, or where commerce and industry were likely to develop with least obstacle or interference. A high hill or rock surmounted by a castle, about the walls of which the dependents of the feudal lord might gather, explains the existence of many a European town today. The mouths of navigable rivers, the proximity of sources of natural wealth, or convenient centers for distribution of supplies to more sparsely settled sections of the land, account for still other cities and towns. Occasionally we find that the site of a city has been deliberately chosen in order that a definite public policy may be carried out thereby.

Such a city, the manner of the choosing of its site, and the purposes of those who were chiefly concerned in the choosing, become matters of unusual interest to the reader of history.

In the United States there are at least two city sites which were deliberately chosen in pursuance of certain public ends. Both were chosen, or their choosing was made possible, by one and the same man. Both were chosen as part of one and the same policy—the building of the American people into a strong nation which should be both politically and industrially independent. These two city sites are that of Washington, selected to be the political capital of the new nation, and that of Paterson, selected to be its industrial capital. The man behind the choice in each case was he whose name and fame we are gathered to honor—Alexander Hamilton. It is worth while to dwell for a few moments upon the man and the policies which called Paterson into existence.

It was a part of Alexander Hamilton's statesmanship that the capital city of the new nation was Washington on the banks of the Potomac. To secure the assumption by the

national government of the war debt of the separate states, and so to hold the infant commonwealths together in a new and stout bond, he allowed the capital city to be fixed at the spot where the local pride of some of his chief opponents desired it to be. It was equally a part of Hamilton's statesmanship that the city of Paterson was called into being on the banks of the Passaic. The same engineer who laid out the political capital drew the original plans for the industrial capital. Those plans, unfortunately, demanded the resources of a principality for their execution, and they came to naught. Had they been carried out, Colt's Hill yonder, now leveled to the ground, would have been, as Capitol Hill is in Washington, the center from which great avenues radiated through the industrial city of L'Enfant's imagination. Six miles square the city was to be, and the new world was to assert itself in industry, as in politics, from a capital seat. The plan was as striking as it was novel, and worthy of the political genius who conceived it.

Why was Alexander Hamilton interested in building an industrial capital for the new nation, and in selecting its site?

The answer is to be found in the encyclopedic character of Hamilton's interests and in the broad sweep of his statesmanship. In the eighteenth century the outlying parts of the world were looked upon by the older and controlling nations not only as political dependencies, but as industrial annexes. They were to grow and provide the raw materials of commerce and industry, which raw materials, whether dug from the ground or grown in the earth, were to be shipped to the motherland for manufacture, and shipped back again to the dependencies for purchase and consumption as finished products. Hamilton knew perfectly well that the independence of the United States was only partially achieved when the political shackles which bound the colonists to King George were broken. He knew that the people must be industrially independent as well, if their nation was to endure. He believed that the factory and the farm, the mine and the workshop, should be brought side by side, that through a diversity of employment and an economy of transportation charge, the economic prosperity of the people might be assured and advanced.

As soon as Hamilton had secured the adoption of the Constitution, and even before he had, under the Constitution, riveted the bonds which held the states together by having the nation assume the separate state debts, he set about the task of building up diversified domestic industries.

On January 15, 1790, the House of Representatives called upon Hamilton, then Secretary of the Treasury, for a report upon the subject of manufactures, to deal particularly with the means of promoting those manufactures that would tend to render the United States independent of foreign nations for military and other essential supplies. On December 5, 1791, at the age of thirty-four, Hamilton responded to this request with a report which is both an economic and a political classic. Not only does he consider and pass in review the arguments advanced for and against the policy of building up domestic manufactures, if necessary by government aid, but he tells the House of Representatives precisely what manufactures had already been undertaken in the United States and what measure of success might be expected to at-

tend them. In the course of this remarkable report, Hamilton announced that a society was forming, with a sufficient capital, which was to prosecute, on a large scale, the making and printing of cotton goods. The society to which Hamilton referred was the Society for Establishing Useful Manufactures, which Society had been already constituted a body politic and corporate by the Legislature of the State of New Jersey in an Act passed November 22, 1791, or only a few days earlier than the date of Hamilton's report on manufactures. The Act relating to this Society provided in its twenty-sixth section that, since it was deemed important to the success of the undertaking, provision should be made for incorporating, with the consent of the inhabitants, such district, not exceeding six miles square, as might become the principal city of the intended establishment, which district should, when certain conditions were complied with, be the town of Paterson.

Therefore, it may with justice be said that the town of Paterson was called into existence by Alexander Hamilton in pursuance of his policy of securing industrial independence for

the people of the United States. Though his immediate plans were never carried out, yet cotton, flax, and silk, iron and steel, copper and brass, have since his day given employment here to tens of thousands of intelligent workmen. Hamilton's policy succeeded beyond the wildest dreams of his imagination. Not one industrial capital, but hundreds, have sprung into existence to demonstrate its wisdom and effectiveness. From the looms of the Merrimac to those of the Piedmont, from the forges and furnaces of Pittsburgh to those of Colorado and beyond, scores of busy hives of industry bear tribute to the greatness of the man whose conscious purpose it was to make our nation strong enough to rule itself and strong enough to face the world with honest pride in its own strength.

When, because of the water power afforded by the great falls of the Passaic, the Society for Establishing Useful Manufactures chose this spot as its site, it was a part of the township of Acquackanonk, and but an insignificant handful of people were living here. The records say that the total number of houses was not over ten. Out of these small begin-

nings the present busy city has grown. Hamilton's interest in it was personal and very strong. The records of the Society for Establishing Useful Manufactures show plainly enough that he attended the early meetings of the Directors, and make it highly probable that not only did he draw the act of incorporation itself, but guided the Society in its early policies as well. So we commemorate today not only a far-seeing statesman, who has forever associated his name with this spot, but a purpose which has long since become part of the accepted policy of the people of the United States. Because of Hamilton's conspicuous public service, it would be becoming for his statue to stand in every city in the land; but if there is one city more than another in which it must stand, that city is Paterson.

It is not easy for us to picture accurately the political and social conditions which prevailed when the government of the United States was created. Looking back as we do upon the achievement as one of epoch-marking significance in the world's history, and seeing

as we do the outlines of the great figures who participated in the work silhouetted against the background of the past, it is difficult to appreciate against what tremendous obstacles they labored and with what bitter antagonisms they were forced to fight. If the history of the American Revolution and that of the building of the nation show human nature at its best, they also show it at its worst. Over against a Franklin, a Washington, and a Hamilton we must set the scurrilous pamphleteers, the selfish particularists, and the narrow-minded politicians whose joint machinations it required almost infinite patience, infinite tact, and infinite wisdom to overcome. The greatness of Washington himself, marvelous as his achievements are now seen to be, rests in no small part upon what he put up with. A nature less great than his, a temper less serene, could not have failed to show resentment and anger at a time when either passion would have been dangerous to the cause in whose service his whole nature was enlisted.

We are accustomed to think of the political controversies of our own day as bitter, and of the political methods which accompany

them as base and dishonorable. The bitterness, the baseness, and the dishonor of today are as nothing in comparison with the bitterness, the baseness, and the dishonor with which the great fathers of the nation were compelled to deal. Upon the devoted head of Washington himself was heaped every sort and kind of obloquy. Hamilton was called alternately a monarchist and a thief, a liar, and a traitor. Men stopped at nothing to gain their political ends, and the writings of not a few of our country's great men abound in passages and records which bring the blush of shame to the cheek.

This nation of ours was not built easily or in a day. The materials used in the structure were themselves refractory, and the arduous task of putting them together was time-consuming. The Constitutional Convention itself was in a sense a subterfuge of Hamilton's and the outgrowth of a purely commercial conference, at which the representatives of but five states were gathered, so difficult was it to unite the states for any purpose. The maxims of the French Revolution were in the air, and Jefferson was playing with them, now as

idols, now as weapons. Men were swept off their feet by the power of formulas and phrases, and hard, clear thinking on the fundamental principles of politics and government was by no means so common as we are in the habit of supposing it was.

To understand the history of the United States, we must realize that the nation has had two births: the first, its birth to union under Washington and Hamilton; the second, its birth to liberty under Lincoln. Our nation was not really made until the second birth was an accomplished fact. It is as absurd to speak of the United States as being the creation of the year 1776 or 1789 as it would be to speak of England as the creation of the year in which Hengist and Horsa first landed on its eastern coast. The birth throes of the United States of America began on the day when

> "The embattled farmers stood,
> And fired the shot heard round the world."

They only ended when two brave Americans, whose consciences had brought them to place different and antagonistic meanings upon the

structure of the government, met face to face at Appomattox to "beat their swords into plowshares, and their spears into pruning-hooks."

In the long and difficult process of nation-building, five great builders stand out above all others by reason of the supreme service that they rendered. Their places in the American pantheon are secure. Two were from Virginia, one from New York, one from New England, and one from the West. The five are Washington, Hamilton, Marshall, Webster, and Lincoln. The placid and almost superhuman genius of Washington, exhibited alike in war and in peace, made the beginnings possible. The constructive statesmanship, the tireless energy, and the persuasive eloquence of Hamilton laid the foundations and pointed the way. The judicial expositions of Marshall erected the legal superstructure. The powerful and illuminating arguments of Webster instructed public opinion and prepared it to stand the terrible strain soon to be put upon it in the struggle for the maintenance of the union. The human insight, the skill, and the infinite, sad patience of Lincoln carried the work to its end.

Others have served the people of the United States, and served them well. Others have been great party leaders, admirable judges, far-sighted statesmen; but to these five—Washington, Hamilton, Marshall, Webster, and Lincoln—must be accorded the first and foremost place. To them, more than to any others, we owe the United States as we know it.

Of these five nation-builders, Hamilton was in some respects the most remarkable. Talleyrand, no mean judge, placed him on a par with the greatest European statesmen of his time, including even Pitt and Fox—a judgment more obviously moderate now than when it was made. Hamilton's genius was not only amazingly precocious, but it was really genius. His first report on the public credit and his report on manufactures, two of the greatest state papers in the English language, were the work of a young man of but thirty-three or thirty-four. The political pamphlets of his boyhood, the military papers and reports of his youth, would do credit to experienced age. In his forty-seven years, Hamilton lived the life of generations of ordinary men. From the

restless boyhood years on the distant island in the Caribbean Sea through the stirring scenes of his student days in Columbia College; from the worried camp of Washington where, the merest stripling, he was clothed with heavy military responsibility, to his years of active practice in the courts, instructing the judges and illuminating the law; from the arduous work in the Constitutional Convention, a statesman trying to piece a nation together out of fragments, to his ceaseless labors with voice and pen to persuade a reluctant people to accept the new government as their own; into the Cabinet as its presiding genius and to the busy Treasury where everything had to be created from an audit system and a mint to a nation's income; back into private life in name but in fact to the exercise of new power; all the way on to the fatal field at Weehawken, where, in obedience to a false and futile sense of honor, he gave up his life to the bullet of a political adversary, the story of Hamilton's life is full of dramatic interest and intensity. He represented the highest type of human product, a great intellect driven for high purposes by an imperious will. Facts, not phrases, were

his counters; principle, not expediency, was his guide.

In all his career, Hamilton seems to have yielded but once to the temptation to use a local or a party interest, and then he made use of the local or party interest of his opponents. That was when he yielded to the sentiment to place the capital on the banks of the Potomac, in order to gain the votes needed to pass his Assumption bill. On no other occasion, whether when exerting his powers of persuasion to the utmost in the face of an adverse majority in the New York Convention called to consider the ratification of the Constitution, or in his extraordinary appeals through the *Federalist*, or in the letters of Camillus written in defense of the Jay treaty, did he ever descend from the lofty heights of political principle. That is the reason why Hamilton's reports, his letters, and his speeches belong to the permanent literature of political science. The occasion for which he wrote was of the moment, but the mood in which he wrote and his method belong to the ages.

Hamilton's policy had three ends in view. He wished to develop a financial policy that

would bind the Union hard and fast; an industrial policy that would make it rich, and, within the bounds of possibility, self-sufficient; and a foreign policy that would strengthen the political and economic independence already provided for. He accomplished them all, and all three are securely part of the permanent policy of the nation. Hamilton's statesmanship could have no higher tribute than this. He built not for the day, but for the nation's history.

The little lion, as his friends affectionately called him, proved his greatness in yet another way. He put aside the acclaim and applause of his contemporaries that he might serve their children and their children's children, by laying broad and deep and strong the foundations of one of the great nations of the world. It would have been easy for Hamilton with his personal charm, his alertness of mind, and his geniality of temper, to have been the idol of the populace of his time. But he was wise enough to know how cheap and tawdry a thing popularity is when principle and lasting usefulness have to be surrendered in return for it. Today Hamilton has his reward. By com-

mon consent he is now recognized not only as one of the very greatest of all Americans, but as a statesman whom the whole world is glad to honor for the political insight and sagacity that he displayed, for the marvelous range of his intellectual interests, for the philosophic structure of his mind, and for the imperishable service that he rendered to the cause of popular government everywhere.

To an old and valued friend, Edward Carrington of Virginia, Hamilton wrote an important letter in 1792. That letter states two essential points of his political creed to be, "first, the necessity of Union to the respectability and happiness of this country; and second, the necessity of an efficient general government to maintain the Union." He adds: "I am affectionately attached to the republican theory. I desire above all things to see the equality of political rights, exclusive of all hereditary distinction, firmly established by a practical demonstration of its being consistent with the order and happiness of society." The enemy which he most feared for his country was the spirit of faction and anarchy. "If this will not permit the ends of government to be at-

tained under it," he adds, "if it engenders disorders in the community, all regular and orderly minds will wish for a change, and the demagogues who have produced the disorder will make it for their own aggrandizement. This is the old story. If I were disposed to promote monarchy and overthrow state governments, I would mount the hobby-horse of popularity; I would cry out 'usurpation,' 'danger to liberty,' etc., etc.; I would endeavor to prostrate the national government, raise a ferment, and then 'ride in the whirlwind, and direct the storm.'"

These words are both prophecy and history. They are a warning against the demagogue from one who was surrounded by them, little and big. They put us on our guard against the worst tendencies in others, as well as against the worst passions in ourselves.

Hamilton's achievements are beyond our reach, but the lessons of his life are not hard for us to learn. The never-absent care for the public interest, the superb energy with which he pressed his policies upon the attention of the people, the unfailing regard for political

principle, the grasp of concrete facts of every sort, the undaunted courage of the man, mark Hamilton as an ideal public servant and public official. "He never lost sight of your interests," said Gouverneur Morris in his funeral oration to the people who thronged about the murdered leader's bier. "Though he was compelled to abandon public life," added Morris, "never, no, never for a moment did he abandon the public service." No higher praise could be given to a public man.

The ebb and flow of the huge human tide which comes and goes at the meeting point of two of the most crowded and busiest streets in the world, surges daily past the tomb in Trinity churchyard where lie the ashes of the statesman, too great to be a successful party leader, to whom the United States of America owe an incalculable debt. Imagination tempts us to wonder how much of this great population and how much of the active business and financial strength that this human tide represents, would be in existence if Hamilton had not lived, or if his policies had not been accepted by the people of the United States. No man, we say, is indispensable. In a certain sense

this must be true; for the universe does not hang on a single personality. But is it not equally true, that great personalities do shape the course of events, and that if there had been no Hamilton, no *Federalist*, and no reports on the public credit and on manufactures, the history of the people of the United States might have been, indeed would certainly have been, very different? That history might still have been a proud one and the people themselves a great and successful people; but the nation as we know and love it, the nation that stood the strain of the greatest of civil wars, the nation that has stretched across mountains and prairies and plains to the shores of a second ocean, the nation that has resisted every attempt to debase its currency and to impair its credit, the nation that is not afraid of permitting individual citizens to exert their powers to the utmost if only they injure no one of their fellows, —that is the nation which Hamilton's vision foresaw and for which the labor of his life was given.

VI

THE REVOLT OF THE UNFIT

A paper read before the American Academy and the National Institute of Arts and Letters, at the New Theatre, New York, December 8, 1910

THE REVOLT OF THE UNFIT

SOME REFLECTIONS ON THE DOCTRINE OF EVOLUTION

There are wars and rumors of wars in a portion of the territory occupied by the doctrine of organic evolution. All is not working smoothly and well, and according to formula. It begins to appear that those men of science who, having derived the doctrine of organic evolution in its modern form from observations on earth-worms, on climbing plants, and on brightly colored birds, and who then straightway applied it blithely to man and his affairs, have made enemies of no small part of the human race.

It was all well enough to treat some earth-worms, some climbing plants, and some brightly colored birds as fit, and others as unfit, to survive; but when this distinction is extended over human beings, and their economic, social, and political affairs, there is a general prick-

ing-up of ears. The consciously fit look down on the resulting discussions with complacent scorn. The consciously unfit rage and roar loudly; while the unconsciously unfit bestir themselves mightily to overturn the whole theory upon which the distinction between fitness and unfitness rests. If any law of nature makes so absurd a distinction as that, then the offending and obnoxious law must be repealed, and that quickly.

The trouble appears to arise primarily from the fact that man does not like what may be termed his evolutionary poor relations. He is willing enough to read about earth-worms, and climbing plants, and brightly colored birds, but he does not want nature to be making leaps from any of these to him.

The earth-worm, which, not being adapted to its surroundings, soon dies, unhonored and unsung, passes peacefully out of life without either a coroner's inquest, an indictment for earth-worm slaughter, a legislative proposal for the future protection of earth-worms, or even a new society for the reform of the social and economic state of the earth-worms that are left. Even the quasi-intelligent climbing plant

and the brightly colored bird, humanly vain, find an equally inconspicuous fate awaiting them. This is the way nature operates when unimpeded or unchallenged by the powerful manifestations of human revolt or human revenge. Of course, if man understood the place assigned to him in nature by the doctrine of organic evolution as well as the earth-worm, the climbing plant, and the brightly colored bird understand theirs, he, too, like them, would submit to nature's processes and decrees without a protest. As a matter of logic, no doubt he ought to do so; but, after all these centuries, it is still a far cry from logic to life.

In fact, man, unless he is consciously and admittedly fit, revolts against the implication of the doctrine of evolution, and objects both to being considered unfit to survive and succeed, and to being forced to accept the only fate which nature offers to those who are unfit for survival and success. Indeed, he manifests with amazing pertinacity what Schopenhauer used to call "the will to live"; and considerations and arguments based on adaptability to environment have no weight with him. So

much the worse for environment, he cries; and straightway sets out to prove it.

On the other hand, those humans who are classed by the doctrine of evolution as fit, exhibit a most disconcerting satisfaction with things as they are. The fit make no conscious struggle for existence. They do not have to. Being fit, they survive *ipso facto*. Thus does the doctrine of evolution, like a playful kitten, merrily pursue its tail with rapturous delight. The fit survive; those survive who are fit. Nothing could be more simple.

Those who are not adapted to the conditions that surround them, however, rebel against the fate of the earth-worm and the climbing plant and the brightly colored bird, and engage in a conscious struggle for existence and for success in that existence despite their inappropriate environment. Statutes can be repealed or amended; why not laws of nature as well? Those human beings who are unfit have, it must be admitted, one great, though perhaps temporary, advantage over the laws of nature; for the laws of nature have not yet been granted suffrage and the organized unfit can always lead a large majority to the polls. So soon as

knowledge of this fact becomes common property, the laws of nature will have a bad quarter of an hour in more countries than one.

The revolt of the unfit primarily takes the form of attempts to lessen and to limit competition, which is instinctively felt, and with reason, to be part of the struggle for existence and for success. The inequalities which nature makes, and without which the process of evolution could not go on, the unfit propose to smooth away and to wipe out by that magic fiat of collective human will called legislation. The great struggle between the gods of Olympus and the Titans, which the ancient sculptors so loved to picture, was child's play compared with the struggle between the laws of nature and the laws of man which the civilized world is apparently soon to be invited to witness. This struggle will bear a little examination, and it may be that the laws of nature, as the doctrine of evolution conceives and states them, will not have everything their own way.

Professor Huxley, whose orthodoxy as an evolutionist will hardly be questioned, made a suggestion of this kind in his Romanes lecture as long ago as 1893. He called attention then

to the fact that there is a fallacy in the notion that because, on the whole, animals and plants have advanced in perfection of organization by means of the struggle for existence and the consequent survival of the fittest, therefore, men as social and ethical beings must depend upon the same process to help them to perfection. As Professor Huxley suggests, this fallacy doubtless has its origin in the ambiguity of the phrase "survival of the fittest." One jumps to the conclusion that fittest means best; whereas, of course, it has in it no moral element whatever. The doctrine of evolution uses the term fitness in a hard and stern sense. Nothing more is meant by it than a measure of adaptation to surrounding conditions. Into this conception of fitness there enters no element of beauty, no element of morality, no element of progress toward an ideal. Fitness is a cold fact ascertainable with almost mathematical certainty.

We now begin to catch sight of the real significance of this struggle between the laws of nature and the laws of man. From one point of view the struggle is hopeless from the start; from another it is full of promise. If it be

true that man really proposes to halt the laws of nature by his legislation, then the struggle is hopeless. It is only a question of time when the laws of nature will have their way. If, on the other hand, the struggle between the laws of nature and the laws of man is in reality a mock struggle, and the supposed combat merely an exhibition of evolutionary boxing, then we may find a clue to what is really going on.

It might be worth while, for example, to follow up the suggestion that in looking back over the whole series of products of organic evolution, the real successes and permanences of life are to be found among those species that have been able to institute something like what we call a social system. Wherever an individual insists upon treating himself as an end in himself, and all other individuals as his actual or potential competitors or enemies, then the fate of the earth-worm, the climbing plant, and the brightly colored bird is sure to be his; for he has brought himself under the jurisdiction of one of nature's laws, and sooner or later he must succumb to that law of nature, and in the struggle for existence his place will be marked out for him by it with unerring

precision. If, however, he has developed so far as to have risen to the lofty height of human sympathy, and thereby has learned to transcend his individuality and to make himself a member of a larger whole, he may then save himself from the extinction which follows inevitably upon proved unfitness in the individual struggle for existence.

So soon as the individual has something to give, there will be those who have something to give to him, and he elevates himself above this relentless law with its inexorable punishments for the unfit. At that point, when individuals begin to give each to the other, then their mutual coöperation and interdependence build human society, and participation in that society changes the whole character of the human struggle. Nevertheless, large numbers of human beings carry with them into social and political relations the traditions and instincts of the old individualistic struggle for existence, with the laws of organic evolution pointing grimly to their several destinies. These are not able to realize that moral elements, and what we call progress toward an end or ideal, are not found under the operation

of the law of natural selection, but have to be discovered elsewhere and added to it. Beauty, morality, progress have other lurking-places than in the struggle for existence, and they have for their sponsors other laws than that of natural selection. You will read the pages of Darwin and of Herbert Spencer in vain for any indication of how the Parthenon was produced, how the Sistine Madonna, how the Ninth Symphony of Beethoven, how the *Divine comedy* or *Hamlet* or *Faust*. There are many mysteries left in the world, thank God, and these are some of them.

The escape of genius from the cloud-covered mountain tops of the unknown into human society, has not yet been accounted for. Even Rousseau made a mistake. When he was writing the *Contrat social* it is recorded that his attention was favorably attracted by the island of Corsica. He, being engaged in the process of finding out how to repeal the laws of man by the laws of nature, spoke of Corsica as the one country in Europe that seemed to him capable of legislation. This led him to add: "I have a presentiment that some day this little island will astonish Europe." It

was not long before Corsica did astonish Europe, but not by any capacity for legislation. As some clever person has said, it let loose Napoleon. We know nothing more of the origin and advent of genius than that.

Perhaps we should comprehend these things better were it not for the persistence of the superstition that human beings habitually think. There is no more persistent superstition than this. Linnæus helped it on to an undeserved permanence when he devised the name *Homo sapiens* for the highest species of the order primates. That was the quintessence of complimentary nomenclature. Of course, human beings as such do not think. A real thinker is one of the rarest things in nature. He comes only at long intervals in human history, and when he does come he is often astonishingly unwelcome. Indeed, he is sometimes speedily sent the way of the unfit and unprotesting earth-worm. Emerson understood this, as he understood so many other of the deep things of life. For he wrote: "Beware when the great God lets loose a thinker on this planet. Then all things are at risk."

The plain fact is that man is not ruled by thinking. When man thinks he thinks, he usually merely feels; and his instincts and feelings are powerful precisely in proportion as they are irrational. Reason reveals the other side, and a knowledge of the other side is fatal to the driving power of a prejudice. Prejudices have their important uses, but it is well to try not to mix them up with principles.

The underlying principle in the widespread and ominous revolt of the unfit is that moral considerations must outweigh the mere blind struggle for existence in human affairs. It is to this fact that we must hold fast if we would understand the world of today, and still more the world of tomorrow. The purpose of the revolt of the unfit is to substitute interdependence on a higher plane, for the struggle for existence on a lower one. Who dares attempt to picture what will happen if this revolt shall not succeed?

These are problems full of fascination. In one form or another they will persist as long as humanity itself. There is only one way of getting rid of them, and that is so charmingly and wittily pointed out by Robert Louis Ste-

venson in his fable, "The four reformers," that I want to quote it:

"Four reformers met under a bramble bush. They were all agreed the world must be changed. 'We must abolish property,' said one.

"'We must abolish marriage,' said the second.

"'We must abolish God,' said the third.

"'I wish we could abolish work,' said the fourth.

"'Do not let us get beyond practical politics,' said the first. 'The first thing is to reduce men to a common level.'

"'The first thing,' said the second, 'is to give freedom to the sexes.'

"'The first thing,' said the third, 'is to find out how to do it.'

"'The first step,' said the first, 'is to abolish the Bible.'

"'The first thing,' said the second, 'is to abolish the laws.'

"'The first thing,' said the third, 'is to abolish mankind.'"

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